



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 13, 2000

**MEMORANDUM**

**TO:** Ronald M. Harris  
Chief, Press Office

**FROM:** Kim Leslie Bright *KL*  
Associate General Counsel

Gregory R. Baker *GRB*  
Special Assistant General Counsel

**SUBJECT:** Public Issuance of Statements of Reasons for the Requests to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster (LRA #598/599)

Attached please find a copy of the Statements of Reasons for the Requests to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, which the Commission approved November 2, 2000.

Informational copies of the Statements of Reasons have been provided to all parties involved and the documents may be released to the public.

*Attachment as stated*

cc: Audit Division  
FEC Library  
Public Disclosure  
Reports Analysis Division

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Request by the New York Delegation ) LRA #599  
to Deny Certification of Public Funds )  
to Patrick J. Buchanan and )  
Ezola Foster )  
 )

**STATEMENT OF REASONS**

**I. INTRODUCTION**

On September 14, 2000, the Commission denied the request of the New York Delegation to the Reform Party convention to withhold certification of public funds to Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign.<sup>1</sup> The Commission has determined that the request failed to provide a sufficient basis for denying Mr. Buchanan and Ms. Foster public funding. This Statement of Reasons sets forth the legal and factual basis for the Commission's determination.

**II. BACKGROUND**

On August 29, 2000, the New York Delegation to the Reform Party convention ("New York Delegation") filed a submission requesting that the Commission not certify Patrick J. Buchanan and Ezola Foster as the recipients of the 2000 general election public funds. *See Attachment 1.*

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<sup>1</sup> The challenge by the New York Delegation was submitted by the following 17 individuals: (1) Frank M. MacKay; (2) Cathy Stewart; (3) Philip Goldstein; (4) David Lewis; (5) Daniel Forbes; (6) Gerald Everett; (7) Lenora Fulani; (8) Eve Rose; (9) Robert Conroy; (10) Luvenia Suber; (11) Ainka Fulani; (12) Sheryl Williams; (13) Sarah Lyons; (14) Kitty Reese; (15) Jessie Fields; (16) Allen Cox; and (17) Tara Lewis.

On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R. § 9003.1. In a letter dated August 24, 2000, the Commission requested that the candidates provide evidence demonstrating that they had qualified to appear on the general election ballot in ten or more states as nominees of the Reform Party. Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation indicating that they have qualified to appear on the general election ballots as the nominees of the Reform Party in at least ten states. As a result, Mr. Buchanan and Ms. Foster met the applicable conditions to receive pre-election public funding on August 29, 2000.

In their submission, the New York Delegation asserts that Patrick Buchanan and Ezola Foster cannot claim to be the nominees of the Reform Party since “they and those acting on their behalf subverted and then rescinded the Reform Party primary and were nominated by a convention which accepted delegates not on the basis of the Reform Party constitution, but on the basis of whether or not they supported Mr. Buchanan.” Attachment 1, page 6. The challenge states that another convention was held simultaneously which claimed to be the legitimate Reform Party convention, and that this convention seated the New York Delegation and recognized John Hagelin as the winner of the national primary in light of Mr. Buchanan’s disqualification. *Id.* As a result, the New York Delegation requests that the Commission “not certify Patrick J. Buchanan and Ezola Foster as the recipients of general election funds pursuant to 26 U.S.C. § 9005, and that he be further sanctioned for the illegal actions described herein.” *Id.* at 7.

### III. COMMISSION DECISION

#### A. LEGAL FRAMEWORK

The Presidential Campaign Fund Act (“the Fund Act”) provides that the eligible candidates of a minor party in a presidential election shall be entitled to pre-election funding. 26 U.S.C. § 9004(a)(2)(A). *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C. § 9004(a)(2), the amount of a minor party candidate’s entitlement is the proportionate amount of the funding available for major party general election candidates, based on the ratio of the total popular votes received by the minor party candidate in the preceding election compared to the average of the total popular votes received by the major party candidates for President in that election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act provides that the Commission shall certify to the Secretary of the Treasury payment to eligible candidates in the full amount to which they are entitled not later than 10 days after they have met all applicable conditions for eligibility. 26 U.S.C § 9005(a). *See also* 11 C.F.R. § 9005.1(b).

The Fund Act defines “candidate” as an individual who has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or has “qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more states.” 26 U.S.C. § 9002(2).

The Commission’s regulations define “political party” as an “association, committee, or organization which nominates or selects an individual for election to any Federal office, including the office of President or Vice President of the United States,

whose name appears on the general election ballot as the candidate of such association, committee, or organization.” 11 C.F.R. § 9002.15.

The Commission has on several occasions considered petitions to deny certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the Commission has acted to deny certification of funds based on information obtained internally, without a petition from an interested party, or based on inadequacies detected in a candidate’s submission for matching funds. *See, e.g., Committee to Elect Lyndon LaRouche v. FEC*, 613 F.2d 834 (D.C. Cir. 1979) (“CTEL”); *LaRouche v. FEC*, 996 F.2d 1263 (D.C. Cir. 1993).

The Court of Appeals for the District of Columbia Circuit considered Commission action with respect to the matching fund certification process during the 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTCL*, 613 F.2d 834. In that case, the Commission denied Mr. LaRouche’s submission for matching funds because of irregularities uncovered during an audit of his threshold submission. The *CTEL* court stressed the importance of “prompt payments to eligible candidates” so that they “will have the money [they] need at a time when its availability is most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy favoring prompt payments to eligible candidates ... circumscribe[s] to a certain extent the scope of the Commission’s investigative role during the certification process.” *Id.* Nevertheless, the D.C. Circuit upheld the Commission’s action holding that the Commission may reject certification if a matching fund request: (1) was not properly

documented to meet threshold requirements, and (2) contained “patent irregularities suggesting the possibility of fraud.” *Id.* at 842.

During the 1980 election cycle, the Commission received a petition from the Carter-Mondale Reelection Committee, Inc. asserting that presidential candidate Ronald Reagan and vice-presidential candidate George Bush were not eligible for public funding in the general election based on various newspaper accounts reporting that certain laws had been or would be violated by the candidates. While the petition was pending before the Commission, the Carter-Mondale Committee petitioned the D.C. Circuit to adjudicate the issue. Following the Commission’s certification of funds to the Reagan-Bush campaign, the D.C. Circuit ruled that the petition filed with it was “premature on the statutory ground that it violates the FEC’s exclusive jurisdiction.” *In re Carter-Mondale*, 642 F.2d at 543. The court reiterated its position from the *CTEL* case that the Commission can investigate allegations concerning the certification of public funds when it “reasonably appears that a patent fraud or other major violation of law is being committed,” while also being cautious to avoid “overstep[ping] its authority by interfering unduly in the conduct of elections.” *Id.* at 544-45. The court also criticized the allegations made by the Carter-Mondale Committee as addressing future conduct and for being “highly speculative.” *Id.* at 543.<sup>2</sup>

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<sup>2</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the Commission’s decision to deny the RNC’s petition to stop certification of payments to Dukakis/Bentsen. *See Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

During the 1992 election cycle, the Commission denied certification to Lyndon LaRouche and considered a petition to deny public funding to the Clinton/Gore '92 General Election Committee. The Commission's denial of certification to Mr. LaRouche, which was based on his prior transactions with the Commission and his federal conviction on fraud charges, was overturned by the D.C. Circuit which ruled that the Commission was "not authorized to appraise candidates' good faith, honesty, probity, or general reliability." *LaRouche v. FEC*, 996 F.2d 1263, 1267 (D.C. Cir. 1993). The court noted that "any inquiry into the bonafides of candidates' promises would take the Commission into highly subjective territory that would imperil the assurance of even-handed treatment." *Id.*

In the same election cycle, the Commission considered a petition filed by the Republican National Committee ("RNC") against the Clinton/Gore '92 campaign wherein the RNC alleged that the Clinton/Gore campaign impermissibly received funding from the Democratic National Committee through payments for a "town meeting." The Commission rejected the petition since it did not reasonably appear that patent fraud or violations occurred in the subject transaction which would require the withholding of payments. *See In re Carter-Mondale*, 642 F.2d at 544. The Commission noted that the underlying factual issues were in dispute, and that the appropriate forum to address the questions was the enforcement or audit context. Statement of Reasons, *Petition to Deny Certification of Matching Funds to Governor Bill Clinton*, approved June 25, 1992.

Further applying the standards articulated by the courts, the Commission rejected three requests to suspend or deny public funds in the 1996 presidential election cycle. *See* Statement of Reasons, *Request to Deny Public Funds to H. Ross Perot and Perot '96*,

approved October 17, 1996 (the Commission denied the request by Mr. Herb Rosenberg to deny certification of public funds to Mr. Perot's 1996 general election campaign); Statement of Reasons, *Petition to Deny Certification of Matching Funds to the Dole for President Committee*, approved August 8, 1996 (the Commission denied the request by the Democratic National Committee to suspend matching payments to the Dole for President Committee); Statement of Reasons, *Petition to Deny Certification of Matching Funds to the Clinton/Gore '96 Primary Committee, Inc.*, approved September 12, 1996 (the Commission denied the request by the Dole for President Committee to suspend matching payments to the Clinton/Gore '96 Primary Committee).

## **B. DISCUSSION**

The Commission has rejected the New York Delegation's request to deny certification of Patrick J. Buchanan and Ezola Foster for public funding for the 2000 general election. The allegations made against Mr. Buchanan and Ms. Foster do not satisfy the substantial burden that must be met to withhold certification of public funds. While not purely ministerial, the Commission's review of public funding applications is limited to determining whether the applications adequately comply with the eligibility requirements set forth in the Fund Act. The Fund Act obligates the Commission to make an initial determination within 10 days of the candidate's meeting all applicable conditions for eligibility. 26 U.S.C. § 9005. Absent patent irregularities suggesting the possibility of fraud, the Commission is precluded from withholding funds from a candidate "once the objective criteria for eligibility are met, because of the important constitutional free speech considerations inherent in public campaign financing." *In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538, 544 (D.C. Cir. 1980). To

justify withholding funding, the Commission should have a reasonable belief that patent fraud or another major violation has occurred. *See LaRouche*, 996 F.2d at 1267. The Commission should also avoid basing its findings on speculative allegations and should favor a policy that allows for prompt payments of public funds, even if it must forgo a thorough investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does not possess evidence that Mr. Buchanan's application for public funds contains patent irregularities or the possibility of fraud.

Moreover, the New York Delegation's allegations primarily relate to the Reform Party's internal rules and procedures. The Fund Act's definition of "candidate" explicitly requires the Commission to rely on the states' determinations of who appears on the general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R. § 9002.2(a)(2). The Commission should not entangle itself in the complexities of party rules or procedures as the Fund Act does not define eligibility in terms of a political party's actions. Thus, the Commission should not substitute its own judgment for that of a state with regard to who should appear on a state ballot as a party nominee. *See* Statement of Reasons, *Request to Deny Funds to H. Ross Perot and Perot '96*, approved October 17, 1996. Similarly, the New York Delegation's submission relates to events of competing factions of the Reform Party and raises questions regarding which faction is the "true" Reform Party. However, the Commission's regulations indicate that a "political party" is an association that nominates or selects an individual for federal office whose name appears on the general election ballot as the candidate for that association. *See* 11 C.F.R. § 9002.15. As Mr. Buchanan and Ms. Foster have submitted documentation demonstrating that they have qualified to appear on numerous general

election ballots as Reform Party candidates, they meet the Fund Act's definition of "candidate," and the Reform Party, under whose designation they run, meets the definition of "political party." *See also* Advisory Opinion 1998-2 (The Commission has recognized the Reform Party as a political party).

Therefore, consistent with past Commission practice and judicial precedent, the Commission rejects the request by the New York Delegation to withhold certification of public funds to Mr. Buchanan and Ms. Foster.

#### **IV. COMMISSION DETERMINATION**

For the foregoing reasons, the Commission has denied the request of the New York Delegation to deny certification of public funds for the 2000 general election to Mr. Patrick J. Buchanan and Ms. Ezola Foster.

#### **Attachment**

1. The New York Delegation's Submission Requesting that the Commission Deny Certification of Public Funds to Patrick Buchanan and Ezola Foster, dated August 28, 2000.

**Attachment 1**

FEDERAL ELECTION COMMISSION

PETITION FILED BY THE FOLLOWING MEMBERS OF THE NEW YORK STATE DELEGATION TO THE NATIONAL CONVENTION OF THE REFORM PARTY USA, LONG BEACH CA, AUGUST 10-13, 2000.

Frank M. MacKay (At Large Delegate, 65 Feustal Street, Lindhurst, NY 11757), Cathy Stewart (At Large Delegate, 560 West 43rd St 32K New York, NY 10036), Philip Goldstein (1st CD, 10 Rodney Place Port Jefferson Station, NY 11776), David Lewis (3rd CD, 118 Meridian Road Levittown, NY 11756), Daniel Forbes (6th CD, 123-65 147th Street Jamaica, NY 11436), Gerald Everett (7th CD, 52-30 39th Drive Woodside, NY 11377), Lenora Fulani (8th CD 560 West 43rd Street New York, NY 10036), Eve Rose (9th CD, 2195 East 22nd Street Brooklyn, NY 11229), Robert Conroy (10th CD 155 Wyckoff Street Brooklyn, NY 11217), Luvenia Suber (10th CD alternate, 175 Willoughby St Brooklyn, NY 11201), Ainka Fulani (11th CD, 324 Park Place Brooklyn, NY 11238), Sheryl Williams (12th CD, 19 Grace Court Brooklyn, NY 11201), Sarah Lyons (13th CD, 36 Hamilton Avenue Staten Island, NY 10301), Kitty Reese (14th CD, 139 East 35th Street #12D New York, NY 10016) Jessie Fields (15th CD, 210 West 101st Street New York, NY 10025), Allen Cox ( 15th CD alternate, 555 West 156th Street New York, NY 10032), Tara Lewis (16th CD, 1636 East 174th Street Bronx, NY 10472)

-against-

Patrick J. Buchanan and Ezola Foster.

RECEIVED  
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COMMISSION  
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COUNSEL  
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This petition is filed by the above named members of the Independence Party, the New York affiliate of the Reform Party USA, who were elected to serve as delegates to the Reform Party USA National Convention held in Long Beach CA, August 10-13, 2000.

Petitioners seek to bring before the Commission the following concerns:

- (1) The criteria by which the Commission will base its decision on which candidate is to be awarded the approximately \$12.5 million from the Presidential Election Campaign Fund available for allocation as a result of the vote garnered by Ross Perot as the Reform Party candidate for president in the 1996 general election; and
- (2) The eligibility of Patrick J. Buchanan and Ezola Foster for such an award in light of the

gross irregularities and fraudulent acts committed by his campaign in its effort to win the Reform Party presidential nomination for the 2000 general election.

Petitioners ask that this submission be considered in conjunction with the Commission's certification determination under 26 U.S.C. Sec. 9005, as well as for other legally permissible purposes.

1. Criteria. 26 U.S.C. Secs. 9003 and 9004 describe the conditions under which a candidate becomes eligible to be certified by the Commission, pursuant 26 U.S.C. Sec. 9005, as the recipient of funds from the Secretary of the Treasury. A threshold issue is whether a person seeking such funds is a "candidate," defined under 26 U.S.C. Sec. 9002(2) as:

An individual who --

(A) has been nominated for election to the office of President of the United States or the office of Vice president of the United States by a major party, or

(B) has qualified to have his name placed on the election ballot (or to have the name of electors pledged to him on the election ballot) as the candidate of a political party for election in 10 or more states.

It is respectfully submitted that the statute must be interpreted to give decisive weight to the outcome of the process by which a minor party selected its presidential nominee in determining the candidate to be awarded funds allocated as a result of that party's showing in the previous presidential election. To do otherwise would deprive the national organization of a minor party the authority accorded to a major party under Sec. 9002(2)(A) to determine who its candidate is for purposes of presidential election campaign funding. Sec. 9002(2)(A) is unequivocal in recognizing the person nominated by the major party as the "candidate" for funding purposes. It is an invidious discrimination without rational basis to treat a minor party differently in this regard.

Moreover, in addition to the necessity of avoiding any constitutional infirmity, it is reasonable to construe Sec. 9002(2)(B) accordingly. For a person to be "qualified... as the candidate of a political party" means more than simply being on the ballot in 10 states, even in 10 states where his or her name will appear under the name of the minor party. It means a candidate nominated by that party. Were this not the case, Sec. 9002(2)(b) would have defined "candidate" as a person whose names appears on the ballot under the name of a [minor] party in 10 or more states. It is respectfully submitted that the former construction is more consistent with other provisions of the Presidential Campaign Funding Act (26 U.S.C. Sec. 9001 *et seq.*) Thus, Sec. 9003, governing "condition for eligibility for payments," speaks respectively of, "the candidates of a major party" and "the candidates of a minor or new party," as does Sec. 9004 governing "entitlement of eligible candidates for payments." There is nothing to indicate that the formulations mean different things for different types of parties. Sec. 9005, governing "certification by Commission," speaks of "candidates of a political party" without any distinction between major parties, minor parties, and new parties.

Moreover under 26 U.S.C. Sec. 9008 a minor party is eligible for federal funds to cover expenses of its "presidential nominating convention." In the case of the Reform Party, the Commission issued Advisory Opinion No. 2000-06 which permitted convention funding to be used to fund the Party's national primary. Why would the government fund a process and then ignore the outcome of that process in determining whether candidate is eligible for general election funding as the candidate of that party?

Finally, recent events have revealed the difficulty the various states are having in deciding who is the Reform Party nominee in the absence of some definitive action by the Commission. On

information and belief (according to the August 25, 2000 Associated Press wire): the States of Iowa and Montana chose the candidate to be listed as the Reform Party candidate by random drawing; the State of Kansas refused to place either of the contenders on the ballot; the States of Kentucky and Nevada, Oklahoma have urged the Commission to act; the State of Minnesota has placed the names of both contenders on the ballot as the Reform Party candidate; the State of South Dakota has refused to act until the Reform Party clarifies the situation, something it cannot do without the intervention of the Commission; and the State of Vermont has indicated that it will place on its ballot the name of the first person who shows up with 1,000 verifiable signatures between September 8 and 21, 2000.

**Buchanan and Foster's Eligibility.** It is respectfully submitted that Patrick J. Buchanan and Ezola Foster have forfeited their right to receive general election funding as the candidates of the Reform Party by reason of their actions and those acting on their behalf at and leading up to the Reform Party's 2000 convention. First the Buchanan campaign refused to comply with a demand by the Reform Party's Presidential Nominations Committee that it submit to an audit of sources of the names it forwarded for inclusion as voters in the Party's national primary after credible charges were made that the names of ineligible persons were included. Specifically, the nominating rules allow candidates to submit the names of persons signing state designating or nominating petitions used to secure ballot access or the names of registered voters who "sign a petition" to be included in the Primary." (See Exhibit A hereto, Section III(4)) It was charged that some 450,000 names submitted by the Buchanan campaign were, in fact, persons who had made contributions to various Buchanan efforts over the past 10 years.

In a vote contested by the Buchanan campaign, the Reform Party's Executive Committee

disqualified Buchanan as a candidate in the Reform Party Primary. Buchanan's response was to ask the Reform Party Convention to rescind the primary. However, the convention which did so, and which then nominated Buchanan by an overwhelming majority, cannot properly be called a convention of the Reform Party. The experience of the New York delegation demonstrates why.

The Independence Party of New York, with 172,000 enrolled members, is by far the largest state party affiliate. It has legal ballot status and, as a result of the more than 250,000 votes received by its candidate for governor in 1998, occupies Row C on the ballot. The Independence Party elected 30 delegates to the Reform Party convention at a state supervised primary held pursuant to Section 2-122 and 122A of the New York Election Law, and three at-large delegates were elected by its State Committee. The Party's State Committee adopted a resolution on November 1, 1999 pursuant to which it issued a call for the election of delegates to the Reform Party National Convention for the year 2000 in the spring, 2000 primary. (Exhibit B hereto) After the primary election New York State Board of Elections certified each of the delegates elected in the primary. (Exhibit C hereto) Annexed as Exhibit D is a copy of the State Committee's certificate of the election of at-large delegates.

The delegation was challenged by a group of Buchanan supporters from New York, led by Ed Heelan, a registered Republican from Putnam County. Like Heelan, the vast majority of the challengers were not enrolled members of the Independence Party. (See Exhibit E hereto) The challenge was rejected by a credentials committee headed by Frank Reed of Ohio. That committee voted 3-1 to seat the New York delegation on the grounds that it was elected pursuant to New York Law and met the requirements of Article III, Section 4 of the Reform Party Constitution, namely, that a delegate be a member of the State Party organization and a resident of the

Congressional District he or she represents, and be elected as provided in the "Rules of Their State Party Organization." (See Exhibit F hereto) The Buchanan supporters asked the convention to overrule the credentials committee because the New York delegation would not guarantee that the New York Party would support Buchanan if he were to win the Reform Party nomination. The New York delegation could not make this commitment because under New York State Election Law, Secs. 6-102 and 6-104, that decision is made by the State Committee of the Independence Party. The convention voted overwhelmingly to not seat the New York delegation, but to seat the challengers instead.

It is respectfully submitted, that Buchanan and Foster cannot claim to be the nominee of the Reform Party since they and those acting on their behalf subverted and then rescinded the Reform Party primary and was nominated by a convention which accepted delegates not on the basis of the Reform Party constitution, but on the basis of whether or not they supported Buchanan. As the Commission is aware, another convention was held simultaneously which claims to be the legitimate Reform Party convention. That convention seated the New York delegation and recognized John Hagelin as the winner of the national primary in light of Buchanan's disqualification.

CONCLUSION

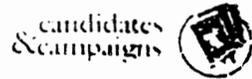
For the above reasons, it is requested that the Commission not certify Patrick J. Buchanan and Ezola Foster as the recipients of general election funds pursuant to 26 U.S.C. Sec. 9005, and that he be further sanctioned for the illegal actions described herein.

Dated: New York, NY  
August 27, 2000

Respectfully submitted,

  
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Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States

Approved at the Atlanta Convention September 25 - 27, 1998  
Revision: July 23, 1999 Dearborn, MI.

- Section 1. General Provisions and Definitions
  - Section 2. Authorized Committees
  - Section 3. Qualifying for the Reform Party Presidential Primary
  - Section 4. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee
  - Section 5. Selection of the Reform Party Vice-Presidential Nominee
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  - History - F.A.Q.
  - Becoming a Candidate
  - Qualifying States Report

**Section I. General Provisions and Definitions**

(1) These rules shall govern the selection process for the Reform Party of the United States in nominating its candidates for President and Vice-President of the United States to the extent that they are not inconsistent with the Constitution of the Reform Party of the United States.

(2) These rules may be amended under the following provisions:

(a) These rules may be amended by majority vote of the National Convention.

(b) These rules may be amended by two-thirds (2/3) vote of the National Committee.

(c) Notwithstanding provisions I-(2)(a) and I-(2)(b) above, these rules may not be amended in the presidential election year.

(3) For purposes of these rules, the following definitions shall be used:

- (a) "Ballot access" shall mean that no substantial barriers exist for the Party to place the nominees of the Party for President and Vice-President of the United States on a given state's general election ballot.
- (b) "Executive Committee" shall mean the Executive Committee of the Reform Party of the United States.
- (c) "National Committee" shall mean the National Committee of the Reform Party of the United States.
- (d) "National Convention" shall mean the National Convention of the Reform Party of the United States.
- (e) "Party" shall mean the Reform Party of the United States.
- (f) "Presidential election year" shall mean the calendar year in which the November general election for President of the United States is held.
- (g) "Primary" shall mean the Reform Party Presidential Primary as described in Section IV of these rules.
- (h) "Primary Candidate" shall mean a candidate who has qualified for the Reform Party Presidential Primary in accordance with Section III of these rules.
- (i) "State Delegation" shall mean the Delegates of the National Convention from a given state that represent a State Party, as defined by I-(3)(j).
- (j) "State Party" shall mean an Affiliated State Party or an Affiliated State Party Organization recognized by the Reform Party of the United States in accordance with the Constitution of the Reform Party of the United States.

(4) The nominees of the Party for President and Vice-President of the United States shall be allowed to address the National Convention for forty-five (45) minutes each in order to accept their respective nominations.

(5) The Presidential Nominations Committee shall establish a common digital format for electronic data that will be used within the Reform Party Presidential Nomination Process. The Presidential

Nominations Committee shall make this common digital format known no later than December 20 of the year immediately preceding the presidential election year.

(6) Each State Party shall submit to the Presidential Nominations Committee an electronic copy of the names and addresses of the registered voters who are members of the given State Party and voters contacting the State Party specifically requesting to participate in the Reform Party Presidential Primary. The electronic copies must be in the authorized common digital format as proscribed for in I-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

## Section II. Authorized Committees

(1) Not later than July 1 of the year immediately preceding the presidential election year, the Executive Committee shall establish a Convention Committee to oversee the functions relating to the meeting of the National Convention in the presidential election year. The activities and decisions of the Convention Committee shall be reported to the Executive Committee.

(2) Not later than July 1 of the year immediately preceding the presidential election year, the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential election year in accordance with these rules. The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules. The activities and decisions of the Presidential Nominations Committee shall be reported to the Executive Committee. Changes in the membership and size of the Presidential Nominations Committee shall be by unanimous vote of the Presidential Nominations Committee.

(3) The officers of the Party shall be ex-officio members of the Convention Committee and the Presidential Nominations Committee.

(4) The Convention Committee and the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate.

(5) No individual may serve as a member of the Convention Committee or the Presidential Nominations Committee who publicly supports or opposes any individual or candidate for the nomination of the Party for President or Vice- President of the United States.

## Section III. Qualifying for the Reform Party Presidential Primary

(1) The Executive Committee shall compile a list of states for which the Party does not have ballot access in the presidential election year. This list shall be made available no later than July 1 of the year immediately preceding the presidential election year. The Presidential Nominations Committee shall have the authority to remove a state from the list by unanimous vote

(2) To qualify for the Primary, candidates shall be required to qualify for the ballot as an independent candidate for President of the United States in states contained in the list compiled in accordance with III-(1).

(3) In order for a candidate to be considered to have qualified for the ballot as an independent candidate for President under these rules, evidence must be provided to the Presidential Nominations Committee that the candidate has either:

(a) been certified by a given state to have the candidate's name placed on the general election ballot as an independent candidate for President, or

(b) fulfilled a significant portion of the requirements to have the candidate's name placed on the general election ballot as an independent candidate for President in states where the date for certification falls after July 1.

The Presidential Nominations Committee shall specify the exact requirements for each state which fall under III-(3)(b) no later than November 1 of the year immediately preceding the presidential

election year and such requirements shall be approved by unanimous vote. If a unanimous vote is not achieved for such requirements, the requirements shall be set to zero.

(4) Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3). The electronic copies must be in the authorized common digital format as proscribed for in I-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

(5) A candidate is considered to have qualified for the Primary if the candidate has qualified for the ballot as an independent candidate for President in accordance with III-(3) in states which comprise at least a majority of electoral votes from all states contained in the list compiled in accordance with III-(1). The Presidential Nominations Committee shall announce the candidates who have qualified for the Primary on July 2 of the presidential election year.

(6) Two or more candidates may enter into a compact stating that if one candidate of the compact receives the nomination, the other candidates of the compact agree to substitute the name of the nominee on all ballot lines within the compact. The Presidential Nominations Committee shall have the authority to consider one candidate within the compact qualifying for the ballot in accordance with III-(3) as all candidates within the compact qualifying for the ballot.

#### **Section IV. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee**

(1) The Reform Party Presidential Primary shall be held between July 4 of the presidential election year and the meeting of the National Convention in the presidential election year.

(2) A primary ballot shall be distributed to the following registered voters of the United States:

(a) voters who are members of State Parties as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6).

(b) voters signing petitions submitted by candidates in accordance with III-(4)

(c) voters contacting the various State Parties specifically requesting to participate in the Reform Party Presidential Primary as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6). The Presidential Nominations Committee shall take such actions in order that no individual receives more than one primary ballot.

(3) Each candidate who is considered to have qualified for the Primary shall be considered a Primary Candidate.

(4) The names of the Primary Candidates on the primary ballot shall appear in a random order as determined by the Presidential Nominations Committee. The random determination of the order of the names shall be open and representatives for each Primary Candidate shall be allowed to observe.

(5) The primary ballot shall consist of:

(a) the names of Primary Candidates in accordance with IV-(4)

(b) columns labeled "First Choice", "Second Choice", and "Third Choice" next to each of the Primary Candidates' names

(c) an identification number for the ballot

(1) The identification number shall be used within the Reform Party Presidential Nomination Process solely to determine the validity or invalidity of the cast ballot and to determine the state of residence of the voter casting the ballot.

(2) No efforts shall be made to use the identification numbers to identify or record how certain individuals voted within the Primary.

(6) The Presidential Nominations Committee shall construct the primary ballot in such a manner as to provide an efficient manner of tallying the votes cast in accordance with these rules.

(7) For a vote to be considered valid within the Primary, the vote must be received by the Presidential Nominations Committee:

- (a) prior to the start of the Reform Party National Convention, and
- (b) in person, by mail, by phone, or by internet in a manner proscribed by the Presidential Nominations Committee in accordance with these rules.

(8) Votes within the Primary shall be recorded as follows:

- (a) Primary votes cast with a valid identification number shall be recorded.
- (b) Primary votes cast without a valid identification number or with an invalid identification number shall not be recorded.
- (c) From the total number of recorded votes, the number of votes from each state shall be recorded.
- (d) Within the recording of votes from each state, the number of votes cast for each Primary Candidate as "First Choice" shall be recorded.
- (e) Within the recording of votes for each Primary Candidate as "First Choice", the number of votes cast for each Primary Candidate as "Second Choice" shall be recorded.
- (f) Within the recording of votes for each Primary Candidate as "Second Choice", the number of votes cast for each Primary Candidate as "Third Choice" shall be recorded.

(9) The votes cast for each Primary Candidate from a given state in a given round of voting shall be determined as follows:

- (a) In the first round of voting, each Primary Candidate shall receive all votes recorded for the given Primary Candidate as "First Choice".
- (b) If the current round of voting is a runoff round, the Primary Candidate receiving the lowest number of votes in the previous round is eliminated from the runoff.
- (c) In runoff rounds of voting, each remaining Primary Candidate shall receive all votes recorded for the given Primary Candidate as the highest choice among the remaining Primary Candidates. For purposes of this section, "First Choice" is considered a higher choice than "Second Choice" and "Third Choice", and "Second Choice" is considered a higher choice than "Third Choice".
- (d) All votes recorded in which none of the Primary Candidates in the current round of voting are selected as "choices" shall not be counted towards calculating the majority of the votes cast.

(10) Results of the Primary shall be announced during the Reform Party National Convention at a time set by the approved agenda of the Convention as follows unless the Primary is overridden in accordance with IV-(11):

- (a) Representatives from each State Party shall announce from the floor of the Convention the number of primary votes cast from their state for each Primary Candidate as provided by the Presidential Nominations Committee in accordance with IV-(9). If a discrepancy arises between the number of votes announced and the number of votes cast by the Presidential Nominations Committee, the number of votes cast shall take precedence.
- (b) If no Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that a runoff shall take place in accordance with these rules. The results of the next round of voting shall be announced as proscribed in IV-(9)(a) no earlier than thirty (30) minutes following the announcement of the runoff.
- (c) If a Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the Primary Candidate receiving at least a majority of the votes cast in the Primary is the nominee of the Party for President of the United States.

(11) The process of selecting the nominee of the Party for President of the United States by the Primary shall be overridden only as provided for in this section.

(a) A motion to override the Primary shall be considered in order if either of the following conditions are met:

- (1) the Secretary of the Party has received certified resolutions from the governing bodies of at least a majority of State Parties making such a motion to override.
  - (2) the Chair of the Convention has received resolutions from at least a majority of the State Delegations making such a motion to override. A motion to override the Primary shall be considered out of order if neither IV-(11)(a)(1) nor IV-(11)(a)(2) are met. A motion to override the Primary may not be reconsidered.
- (b) The Primary shall be overridden if the motion to override is approved by a two-thirds (2/3) vote of

the National Convention.

(c) If the Primary is overridden, the selection of the Party's nominee for President of the United States shall be conducted in accordance with the rules for selecting the Party's nominee for Vice-President of the United States.

(12) Each Primary Candidate shall be allowed to address the National Convention for a period not to exceed thirty (30) minutes.

(13) Each Primary Candidate shall be allowed to provide a photograph and a five-hundred (500) word statement for inclusion within the primary ballot. The photograph and statement shall be received by the Presidential Nominations Committee no later than July 1 of the presidential election year.

(14) In the case of a tie, the breaking of the tie shall be determined by the National Convention.

#### **Section V. Selection of the Reform Party Vice-Presidential Nominee**

(1) The selection of the Party's nominee for Vice-President of the United States shall be conducted during the Reform Party National Convention at a time no earlier than eight (8) hours following the nomination of the Party nominee's for President of the United States. The Party nominee's for Vice-President of the United States shall be selected by the National Convention.

(2) Nominations for Vice-President shall be taken on the floor from Delegates of the National Convention and shall require a second.

(3) In each round of voting, the Convention Chair shall call the roll of the states. Upon the announcement of a state, a Delegate from that state delegation shall announce the number of Delegate votes for each of the candidates for Vice-President.

(4) If no candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce a runoff. If a runoff is announced, the Vice-Presidential candidate with the lowest number of votes is removed from the next round of voting.

(5) If a candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the candidate receiving at least a majority of the votes cast is the nominee of the Party for Vice- President of the United States.

#### **Section VI. Appeals**

(1) A candidate may appeal a decision of the Presidential Nominations Committee to the Executive Committee if five (5) members of the Executive Committee agree to hear such an appeal. If five (5) members of the Executive Committee do not agree to hear such an appeal within twenty (20) days of the initial presentation of the appeal, the appeal shall be considered rejected.

(2) Any appeal must be in writing and shall be limited to the contents of the appeal.

(3) Upon agreeing to hear an appeal, the Executive Committee shall take such necessary action to resolve any appeal which does not violate these rules, the Constitution of the Party, or federal law.

**RESOLUTION OF THE STATE COMMITTEE  
OF THE INDEPENDENCE PARTY REGARDING  
ELECTION OF DELEGATES TO  
THE REFORM PARTY NATIONAL  
CONVENTION FOR THE YEAR 2000**

The State Committee of the Independence Party of the State of New York hereby resolves:

1. That the Independence Party, the New York affiliate of the Reform Party USA, desires to avail itself of the benefits of Chapter 137 of the Laws of New York, 1999 for the election of delegates to the Reform Party National Convention for the year 2000.

2. That the Independence Party selects Sections two and two-a of said Chapter 137 with the requirement that any candidate for delegate or alternate shall run uncommitted and in accordance with the provisions of this resolution.

3. That the Independence Party hereby issues a call to all persons wishing to run as delegates and alternate delegates to the Reform Party National Convention for the year 2000 from Congressional Districts in the State of New York to stand for election in the spring, 2000 primary as follows:

a. Any candidate wishing to run for delegate or alternate delegate shall file a designating petition containing the signatures of at least one-half of one percent (0.5%) of the enrolled voters in the Independence Party in the Congressional District from which he or she seeks election or 1,000 of such enrolled voters, whichever is less.

b. One delegate and one alternate shall be elected to represent each Congressional District.

c. Any delegate or alternate delegate elected at said primary shall be governed by the constitution and rules of the Reform Party USA, including but not limited to its rules for the nomination of its candidates for President and Vice President of the United States.

**CERTIFICATION OF ADOPTION OF  
RESOLUTION OF THE STATE COMMITTEE  
OF THE INDEPENDENCE PARTY REGARDING  
ELECTION OF DELEGATES TO  
THE REFORM PARTY NATIONAL  
CONVENTION FOR THE YEAR 2000**

The undersigned being a member of the State Committee of the Independence Party of the State of New York and its Executive Committee does hereby certify that the document annexed and entitled "Resolution of The State Committee of The Independence Party Regarding Election of Delegates to the Reform Party National Convention for the Year 2000" was duly adopted by said State Committee by vote of a majority of the total possible weighted vote of the members of the State Committee of the Independence Party. I personally took responsibility for receiving and tabulating the votes of members of the State Committee of the Independence Party wishing to adopt said resolution. I make this certificate in conjunction with the certificate of Laureen Oliver, Secretary of the State Committee of the Independence Party, which is to be filed with the New York State Board of Elections at or about the same time as this certificate.

Dated: November 1, 1999

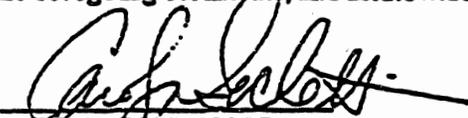
  
CATHY STEWART  
State Committee Member  
Executive Committee Member

STATE OF NEW YORK

ss:

COUNTY OF NEW YORK

On the 1<sup>st</sup> day of November, 1999 before me personally came Cathy Stewart to me known to be the individual described in and who executed the foregoing certificate, and acknowledged that she executed the same.

  
NOTARY PUBLIC

CAROL SACKETT  
NOTARY PUBLIC, State of New York  
No. 0131202136  
Qualified in Kings County, New York  
Commission Expires June 24, 2000

INDEPENDENCE PARTY MARCH 7, 2000 PRIMARY  
DELEGATES TO THE NATIONAL CONVENTION

11TH CONGRESSIONAL DISTRICT

	PART OF KINGS
UNCOMMITTED	
Joseph Ferris	49
UNCOMMITTED	
Aluka Fulani	70

2

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *National Delegate*

DISTRICT: 1  
 COUNTIES: Part of Suffolk

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Philip Goldstein	10 Rodney Street -- Port Jeff Sta., NY 11776	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 2  
 COUNTIES: Part of Suffolk

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Kenneth J. Herman	45 Dixon Avenue -- Amityville, NY 11701	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 3  
 COUNTIES: Part of Nassau

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	David Lewis	118 Meridian Road -- Levittown, NY 11756	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *National Delegate*

DISTRICT: 4  
 COUNTIES: Part of Nassau

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	John L. O'Kelly	127 Bengueyfield Drive -- East Williston, NY 11596	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 5  
 COUNTIES: Part of Nassau, Part of Suffolk & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	William Ames Hayes	15 Cynthia Lane -- Northport, NY 11768	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 6  
 COUNTIES: Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Daniel Forbes	123-65 147th. St. -- Jamaica, NY 11436	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE

DELEGATE LIST -

PRESIDENTIAL PRIMARY ELECTION

2000

OFFICE: *National Delegate*

DISTRICT: 7

COUNTIES: Part of Queens & Part of Bronx

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Gerald Everett	52-30 39th. Drive -- Woodside, NY 11377	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 8

COUNTIES: Part of Kings & Part of New York

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Lenora Fulani	560 West 43rd. St. -- New York, NY 10036	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 9

COUNTIES: Part of Queens & Part of Kings

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Eve Rose	2195 East 22nd. St. -- Brooklyn, NY 11229	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE

DELEGATE LIST -

PRESIDENTIAL PRIMARY ELECTION

2000

OFFICE: *National Delegate*

DISTRICT: 10

COUNTIES: Part of Kings

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Robert Conroy	155 Wycoff St. - Brooklyn, NY 11217	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 11

COUNTIES: Part of Kings

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Joseph Ferris	519 3rd. St. - Brooklyn, NY 11215	UNCOMMITTED
IND	Ainka Fulani	324 Park Place - Brooklyn, NY 11238	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 12

COUNTIES: Part of Kings, Part of New York & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Sheryl Williams	19 Grace Court - Brooklyn, NY 11201	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE

DELEGATE LIST -

PRESIDENTIAL PRIMARY ELECTION

2000

OFFICE: *National Delegate*

DISTRICT: 13

COUNTIES: Part of Kings & Richmond

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Sarah Lyons	36 Hamilton Ave. - Staten Island, NY 10301	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 14

COUNTIES: Part of Kings, Part of New York & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Kitty Reese	139 East 35 St. - New York, NY 10016	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 15

COUNTIES: Part of New York, Part of Bronx

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Jessie Fields	210 West 101st. St. - New York, NY 10025	UNCOMMITTED

**NEW YORK STATE BOARD OF ELECTIONS**  
**INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000**

OFFICE: *National Delegate*

DISTRICT: 16  
 COUNTIES: Part of Bronx

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Tara Lewis	1635 East 174th. St. - Bronx, NY 10472	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 17  
 COUNTIES: Part of Bronx & Part of Westchester

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Jason Guardado	640 West 231st Street - Bronx, NY 10463	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 18  
 COUNTIES: Part of Bronx, Part of Queens & Part of Westchester

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Thomas Grimm	50 Locust Ave. - New Rochelle, NY 10801	UNCOMMITTED

**NEW YORK STATE BOARD OF ELECTIONS**  
**INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000**

OFFICE: *National Delegate*

DISTRICT: 19  
 COUNTIES: Part of Westchester, Part of Dutchess, Part of Orange & Putnam

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	David Carlin	9 Westview Ave. - North Salem, NY 12560	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 20  
 COUNTIES: Part of Westchester, Part of Orange, Part of Sullivan & Rockland

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Joseph A. Fusco	372 Central Park Avenue - Scarsdale, NY 10583	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 21  
 COUNTIES: Albany, Schenectady, Part of Montgomery, Part of Rensselaer & Part of Saratoga

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	None		

**NEW YORK STATE BOARD OF ELECTIONS**  
**INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000**

OFFICE: *National Delegate*

DISTRICT: 22

COUNTIES: Columbia, Greene, Warren, Washington, Part of Dutchess, Part of Rensselaer, Part of Essex, Part of Saratoga & Part of Schoharie

Party	Name	Address	<i>Supporting</i>
IND	Jonathan Sulkin	23 Conver Drive - Saratoga Sprgs., NY 12866	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 23

COUNTIES: Chenango, Otsego, Part of Schoharie, Part of Delaware, Madison, Part of Montgomery, Oneida, Part of Broome & Part of Herkimer

Party	Name	Address	<i>Supporting</i>
IND	Judith Rosen	1464 Berry Brook Road - Roscoe, NY 12776	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 24

COUNTIES: Clinton, Part of Essex, Franklin, Fulton, Hamilton, Part of Herkimer, Jefferson, Lewis, St. Lawrence & Oswego

Party	Name	Address	<i>Supporting</i>
IND	Jeffery E. Graham	557 Pearl St. Rear Bldg. - Watertown, NY 13601	UNCOMMITTED

**NEW YORK STATE BOARD OF ELECTIONS**  
**INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000**

OFFICE: *National Delegate*

DISTRICT: 25  
 COUNTIES: Onondaga, Cortland, Part of Broome, Part of Cayuga & Part of Tioga

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	Pauline M. Finch	415 Hudson Street - Syracuse, NY 13207	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 26  
 COUNTIES: Part of Broome, Part of Tioga, Ulster, Part of Delaware, Part of Sullivan, Part of Tompkins, Part of Orange & Part of Dutchess

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	Ariann Rockwell	519 June Street - Endicott, NY 13760	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 27  
 COUNTIES: Part of Cayuga, Part of Seneca, Wayne, Part of Monroe Genesee, Livingston, Ontario, Wyoming, & Part of Erie

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	Rafael Colon	2 Loring Place - Rochester, NY 14624	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *National Delegate*

DISTRICT: 28  
COUNTIES: Part of Monroe

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Laureen Oliver	400 Mill Road - Rochester, NY 14626	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 29  
COUNTIES: Niagara, Orleans, Part of Erie & Part of Monroe

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Aryn Warner	77 Smith Street - Brockport, NY 14420	UNCOMMITTED

OFFICE: *National Delegate*

DISTRICT: 30  
COUNTIES: Part of Erie

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	F. Patrick Mahoney	12 Brimfield Court - West Seneca, NY 14224	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *National Delegate*

DISTRICT: 31

COUNTIES: Allegany, Chautauqua, Chemung, Schuyler, Steuben, Yates, Cattaraugus, Part of Tompkins, Part of Cayuga & Part of Seneca

Party	Name	Address	Supporting
IND	Benjamin B. Curtis	40 Cayuga Street, Box 326 - Trumansburg, NY 14886	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 1

COUNTIES: Part of Suffolk

Party	Name	Address	Supporting
IND	Marie Masters-Picone	142 Eagle Hill Court -- Middle Island, NY 11953	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 2

COUNTIES: Part of Suffolk

Party	Name	Address	Supporting
IND	Frank M. Mackay	P. O. Box 2063 - North Babylon, NY 11703	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 3  
 COUNTIES: Part of Nassau

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	June Struck	156 Meridian Road - Levittown, NY 11756	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 4  
 COUNTIES: Part of Nassau

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Patricia A. Friedman	175 Roxbury Road S. - Garden City, NY 11530	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 5  
 COUNTIES: Part of Nassau, Part of Suffolk & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	None		

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 9  
COUNTIES: Part of Queens & Part of Kings

Party	Name	Address	Supporting
IND	Christian Urena	355 Mcdonald Ave. - Brooklyn, NY 11218	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 10  
COUNTIES: Part of Kings

Party	Name	Address	Supporting
IND	Luvenia Suber	175 Willoughby St. - Brooklyn, NY 11201	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 11  
COUNTIES: Part of Kings

Party	Name	Address	Supporting
IND	Yvonne Murray	2242 Vanderveer Place - Brooklyn, NY 11226	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 12  
COUNTIES: Part of Kings, Part of New York & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Baylah Wolfe	135 Willow St. - Brooklyn, NY 11201	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 13  
COUNTIES: Part of Kings & Richmond

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Thomas Ballou	14 Albert Court - Staten Island, NY 10303	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 14  
COUNTIES: Part of Kings, Part of New York & Part of Queens

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Molly Honigsfeld	14-17 31st. Avenue - Long Island Cit, NY 11106	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS  
INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 15

COUNTIES: Part of New York, Part of Bronx

Party	Name	Address	Supporting
IND	Allen Cox	555 West 156th. St. -- New York, NY 10032	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 16

COUNTIES: Part of Bronx

Party	Name	Address	Supporting
IND	Jacqueline Denson	1635 East 174th. St. -- Bronx, NY 10472	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 17

COUNTIES: Part of Bronx &amp; Part of Westchester

Party	Name	Address	Supporting
IND	Vilma Brewster	3119 Bailey Avenue -- Bronx, NY 10463	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE

DELEGATE LIST -

PRESIDENTIAL PRIMARY ELECTION

2000

OFFICE: *Alt National Del.*

DISTRICT: 18

COUNTIES: Part of Bronx, Part of Queens & Part of Westchester

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Robert Blumetti	790 Tuckahoe Road - Yonkers, NY 10710	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 19

COUNTIES: Part of Westchester, Part of Dutchess, Part of Orange & Putnam

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Kipp A. Pells	174 North Clinton St. - Poughkeepsie, NY 12601	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 20

COUNTIES: Part of Westchester, Part of Orange, Part of Sullivan & Rockland

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Carol Vergara	77 Columbia Avenue - Hartsdale, NY 10530	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE

DELEGATE LIST -

PRESIDENTIAL PRIMARY ELECTION

2000

OFFICE: *Alt National Del.*

DISTRICT: 21

COUNTIES: Albany, Schenectady, Part of Montgomery, Part of Rensselaer & Part of Saratoga

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	None		

OFFICE: *Alt National Del.*

DISTRICT: 22

COUNTIES: Columbia, Greene, Warren, Washington, Part of Dutchess, Part of Rensselaer, Part of Essex, Part of Saratoga & Part of Schoharie

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	Lisa Woolfe	23 Conver Drive -- Saratoga Spgs., NY 12866	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 23

COUNTIES: Chenango, Otsego, Part of Schoharie, Part of Delaware, Madison, Part of Montgomery, Oneida, Part of Broome & Part of Herkimer

<u>Party</u>	<u>Name</u>	<u>Address</u>	<u>Supporting</u>
IND	Lee Veinot	4 Slusser Avenue -- New Hartford, NY 13413	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 24

COUNTIES: Clinton, Part of Essex, Franklin, Fulton, Hamilton, Part of Herkimer, Jefferson, Lewis, St. Lawrence & Oswego

Party	Name	Address	Supporting
IND	John L. Rice	924 Summer St. - Watertown, NY 13601	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 25

COUNTIES: Onondaga, Cortland, Part of Broome, Part of Cayuga & Part of Tioga

Party	Name	Address	Supporting
IND	Robert C. Gonzalski	404 W. Yates Street - East Syracuse, NY 13057	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 26

COUNTIES: Part of Broome, Part of Tioga, Ulster, Part of Delaware, Part of Sullivan, Part of Tompkins, Part of Orange & Part of Dutchess

Party	Name	Address	Supporting
IND	None		

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 27

COUNTIES: Part of Cayuga, Part of Seneca, Wayne, Part of Monroe, Genesee, Livingston, Ontario, Wyoming, & Part of Erie

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	James Bernhardt	11713 Liberia Road - Elma, NY 14052	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 28

COUNTIES: Part of Monroe

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Narseary Harris	61 Webster Avenue - Rochester, NY 14609	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 29

COUNTIES: Niagara, Orleans, Part of Erie & Part of Monroe

<i>Party</i>	<i>Name</i>	<i>Address</i>	<i>Supporting</i>
IND	Alystar Warner	77 Smith Street - Brockport, NY 14420	UNCOMMITTED

NEW YORK STATE BOARD OF ELECTIONS

INDEPENDENCE DELEGATE LIST - PRESIDENTIAL PRIMARY ELECTION 2000

OFFICE: *Alt National Del.*

DISTRICT: 30  
COUNTIES: Part of Erie

Party	Name	Address	Supporting
IND	Charles Flynn	102 Pomona Place - Buffalo, NY 14210	UNCOMMITTED

OFFICE: *Alt National Del.*

DISTRICT: 31  
COUNTIES: Allegany, Chautauqua, Chemung, Schuyler, Steuben, Yates, Cattaraugus, Part of Tompkins, Part of Cayuga & Part of Seneca

Party	Name	Address	Supporting
IND	Donald B. Foster	424 W. Church Street - Elmira, NY 14901	UNCOMMITTED

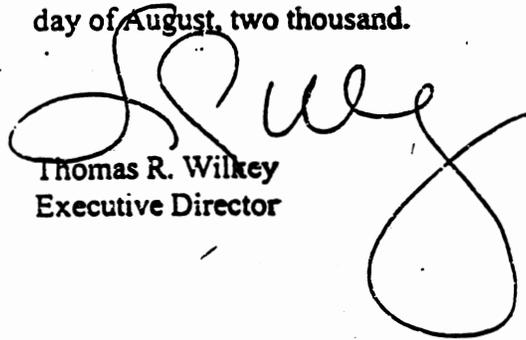
STATE OF NEW YORK )  
STATE BOARD OF ELECTIONS ) ss:

It is hereby certified that the preceding copies of the results of the Independence Party  
Presidential Primary delegates and aitemates are true and exact copies of the original on file in  
this office dated August 1, 2000. \_\_\_\_\_

\_\_\_\_\_  
WITNESS my hand and the official seal of the State

Board of Elections at the City of Albany, this 1st

day of August, two thousand.

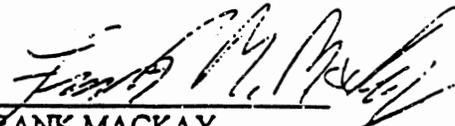


Thomas R. Wilkey  
Executive Director

**CERTIFICATE OF ELECTION OF REPRESENTATIVES OF THE  
INDEPENDENCE PARTY OF THE STATE OF NEW YORK  
TO VARIOUS BODIES OF THE REFORM PARTY USA**

The undersigned being respectively the Chairperson and person elected to record the minutes of the State Committee of The Independence Party of The State of New York at its meeting on February 4, 2000 in Albany, NY do hereby certify that appended hereto are the names and addresses of persons elected at said meeting to represent the Independence Party of the State of New York on various bodies of the Reform Party USA and hereby submit the same for filing.

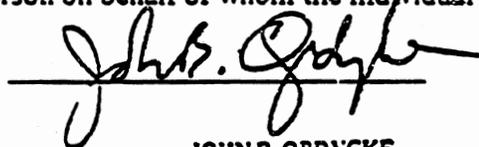
Dated: February 7, 2000

  
FRANK MACKAY  
Chairperson

  
SARAH LYONS  
Recording Secretary

STATE OF NEW YORK)  
COUNTY OF New York SS:

On the 8 day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Frank MacKay, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within certificate and acknowledged to me that he executed the same in his capacity, and that by his signature on the certificate, the individual, or the person on behalf of whom the individual acted, executed the certificate.



JOHN B. OPDYCKE  
NOTARY PUBLIC, State of New York  
No. 010P5030716  
Qualified in New York County  
Commission Expires June 15, 2001

STATE OF NEW YORK)  
COUNTY OF NEW YORK) SS:

On the 7 day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Sarah Lyons, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within certificate and acknowledged to me that he executed the same in his capacity, and that by his signature on the certificate, the individual, or the person on behalf of whom the individual acted, executed the certificate.



JOHN B. OPDYCKE  
NOTARY PUBLIC, State of New York  
No. 010P5030716  
Qualified in New York County  
Commission Expires June 15, 2001

RECEIVED  
NEW YORK STATE  
BOARD OF ELECTIONS  
ALBANY, NEW YORK  
2000 FEB 11 AM 10:57

Ex. D

ATTACHMENT 10  
Page 33 of 34

**THE FOLLOWING PERSONS WERE ELECTED:**

Reform Party USA National Committee Representatives:

Frank M. MacKay, 65 Feustal Street, Lindenhurst, NY 11757.  
Lauren A. Oliver, 400 Mill Rd., Rochester, NY 14626  
Cathy L. Stewart, 560 West 43rd St. (#32K), New York, NY 10036

Reform Party USA National Convention At-Large-Delegates:

Frank M. MacKay, 65 Feustal Street, Lindenhurst, NY 11757.  
Gary Sinawski, 560 West 43rd St. (#8D), New York, NY 10036  
Cathy L. Stewart, 560 West 43rd St. (#32K), New York, NY 10036

Reform Party USA Liaison to Presidential Nominating Committee

Harry Kresky, 560 West 43rd St. (#32K), New York, NY 10036

RECEIVED  
NEW YORK STATE  
BOARD OF ELECTIONS  
ALBANY, NEW YORK  
2000 FEB 11 AM 10:27

**Breakdown of Ed Heelan's Slate**

CD	County	Name	Enrollment
1	Suffolk	Andrew Canicatti	Republican
1	Suffolk	Regina C. Willis	Conservative
3	Nassau	Perry Burkhardt	Not Independence
4	Nassau	Gary Grella	Not Independence
4	Nassau	John O'Kelly	Independence
5	Suffolk	Herman Fischer	Republican
5	Suffolk	Thomas Fischer	Unenrolled ("Blank")
7	Bronx	Joseph Palau	Independence
10	Kings	Jehad Abuhanda	Unenrolled ("Blank")
13	Richmond	Thomas Bailou	Independence
13	Richmond	Frank Siclaria	Not Independence
14	New York	Maureen Flannery	Republican
14	New York	Edward Price	Independence
14	New York	Steven Raiser	Republican
14	New York	Michael B. Smith	Independence
15	New York	John P. McEvoy	Republican
16	Bronx	Steven J. Fish	Not Independence
18	Westchester	Mary Fulton	Not Independence
19	Putnam	Michael P. Cesare	Republican
19	Putnam	Edward R. Heelan	Republican
20	Westchester	Douglas D. Dewey	Not Independence
20	Rockland	John Lacy	Republican (or NR)
20	Orange	Frederick Kelly	Democrat
20	Orange	Peter J. Masella	Not Independence
20	Orange	Mrs. Peter J. Masella	Not Independence
21	Albany	Joseph Birch	Democrat
21	Albany	Daniel Riley	Democrat
21	Montgomery	William A. Smullen	Conservative
22	Washington	Gunta Voutyras	Unenrolled ("Blank")
24	St. Lawrence	Miles D. Wolpin	Republican
28	Monroe	John M. Regan	Republican
31	Chemung	Donald B. Foster	Independence
31	Tompkins	Ira M. Pesserilo	Republican

Number of Independence Party registrants: 6

CD's not represented (13): 2, 6, 8, 9, 11, 12, 17, 23, 25, 26, 27, 29, 30

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# RPUSA CONSTITUTION

## ARTICLE I Name

- The name of this Party shall be the Reform Party of the United States of America.

## ARTICLE II Object

The Object of the Reform Party shall be to:

- a) Establish and operate as a major national political party composed of affiliated State Party Organizations from each state;
- b) Nominate and endorse candidates for President of the United States and for Vice President of the United States;
- c) Assist in the election of such candidates;
- d) Assist State Party Organizations in the election of their candidates and voter education;
- e) Develop and promote the enactment of legislation and policies consistent with the Reform Party Principles;

## ARTICLE III National Convention

- Section 1. There shall be a National Convention. The first session of the National Convention shall be designated as "The Inaugural National Convention of the Reform Party of the United States of America" and shall be further designated by the date or dates of such session, and by the location of such session. Each subsequent session of the National Convention shall be similarly titled and designated, except that such session shall be consecutively enumerated.
- Section 2. The National Convention shall be responsible for the governance of the Reform Party, and for providing for the fulfillment of the Object of the Reform Party.
- Section 3. The National Convention shall be composed of the following Delegates:
  - a) The Executive Committee
  - b) Three Statewide Delegates from each State Party Organization
  - c) One Delegate from each U.S. Congressional District.
- Section 4. Qualifications for a person to be eligible to be a Delegate shall be such that each Delegate shall:
  - a) be a member of their State Party Organization and a resident of the U.S. Congressional District and/or state for which he or she is a Delegate.
  - b) be elected as provided in the Rules of their State Party Organization.
  - c) not be required to pay a personal assessment or fee as a condition of serving as a Delegate.
  - d) be registered with the Executive Committee. No person shall be deemed to be a Delegate, who is not so registered..
- Section 5. State Party Organization rules pertaining to Delegate qualifications, eligibility, election or appointment, term of office, conditions of continuing service, removal from office, vacancies, duties, powers, subjection, participation, and voting rights, shall be observed; unless such rules are in conflict with this Constitution, or other provisions adopted pursuant to provisions of this Constitution; including the provisions of the Bylaws, the Resolutions and actions of the National Convention, and such provisions as may be specified in the Standing Rules of the National Convention.
  - a) In the event such State Party Organization rules do not so pertain, a State Party Organization shall carry out such measures as may be required by the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
  - ~~b) In the event such State Party Organization rules do so conflict, a State Party Organization shall carry out such~~ measures as may be required by the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
- Section 6. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Delegate.
- Section 7. The removal of a Delegate shall be such that:
  - a) Any Delegate may be removed by three-quarters vote of the registered Delegates of the National Convention. The seat of a Delegate so removed shall automatically and immediately become vacant upon such removal.
  - b) Any Delegate may be removed in accordance with the Rules of the applicable State Party Organization, except for a person who is a Delegate as a result of being an Elected National Party Officer.
- Section 8. Each State Party Organization may send Alternate Delegates in accordance with their State Party Organization Rules. Each Alternate Delegate must meet all the qualifications of a Delegate, shall reside in the same political district as the Delegate they replace, and shall have no voting rights until re-registered as a Delegate.
- Section 9. The National Convention shall:

- a) be the supreme governing body of the Reform Party at the national level, subject only to the provisions of this Constitution and the provisions of the Bylaws.
- b) have all power and authority over the affairs of the Reform Party, subject only to the provisions of this Constitution and to the provisions of the Bylaws.
- c) have the exclusive power to grant Official Recognition to State Party Organizations. Official Recognition of a State Party Organization shall be granted by majority vote of the registered Delegates.
- d) receive reports from the National Officers and Committees.
- e) adopt a national Reform Party platform by two-thirds vote of the registered Delegates.
- f) adopt a national Statement of Principles by two-thirds vote of the registered Delegates. This same requirement shall apply to amendments, additions or revisions to the Statement of Principles.
- g) in appropriate years, provide rules and procedures for the nomination and endorsement of candidates for the office of President and Vice President of the United States, or no endorsement, such procedures shall, to the extent possible, provide for the popular selection by Reform Party members.
- h) act upon such other matters as the National Convention deems appropriate, subject to the provisions of this Constitution and the provisions of the Bylaws.
- Section 10. Sessions of the National Convention shall be such that:
  - a) Previous notice of each session of the National Convention shall be given in writing, by means of a Call to National Convention. Such a Call to National Convention shall:
    - (1) be mailed to each affiliated State Party Organization Chair and all known elected Delegates and Alternates, not more than ninety days and not less than thirty five days, prior to the date of the first scheduled business meeting of the session being called,
    - (2) specify the date, hour, place and proposed agenda of the meeting,
    - (3) contain other such information as is provided in this Constitution, and such as may be provided in the Bylaws.
  - b) The quorum of a session of the National Convention shall be the majority of all registered Delegates.
  - c) The National Convention shall be called into session once each calendar year. Such session shall be scheduled and arranged, and a Call to National Convention shall be properly issued by the National Party Chair, upon two-thirds vote of the Executive Committee or majority vote of the National Committee, except in a case of emergency. In a case of emergency, the National Convention may be called into session as needed such that:
    - (1) A case of emergency shall be deemed to exist upon such being officially declared by the Reform Party Chair, by a majority vote of the Executive Committee, or by majority vote of the National Committee.
    - (2) An official declaration of emergency shall in no way remove, alter, or have precedence over any of the provisions of this Constitution, or the provisions of the Bylaws.
  - d) The determination, allocation, exercise and tally of Delegate votes shall be such that:
    - (1) Only Delegates who have been properly registered and are in attendance at the time of the vote shall be eligible to vote. There shall be no proxy voting.
    - (2) No person shall hold more than one Delegate seat.
    - (3) Each Delegate shall have one and only one vote.
    - (4) No Delegate shall be required to cast a vote contrary to his or her preference.
- Section 11. Each Delegate shall report to the State Party Organization of which he or she is a member. The National Convention shall provide that the minutes and Resolutions of the National Convention be recorded in writing, be properly filed with Reform Party Executive Committee, be distributed to the Chairperson of each State Party Organization and be made available to the public

#### ARTICLE IV National Committee

- Section 1. The National Committee shall be responsible for the conducting of the business and affairs of the Reform Party between sessions of the National Convention. Such responsibilities shall include:
  - a) providing a procedure for the nomination of Reform Party National Officers.
  - b) the temporary filling of National Officer vacancies,
  - c) providing for the clear interpretation, proper application, and continuing pertinence of the Bylaws, and for the continuing integrity of the Bylaws with this Constitution and the Statement of Principles of the Reform Party,
  - d) formulating and promoting statements of public policy, which are consistent with the Reform Party Statement of Principles,
  - e) providing for the raising, budgeting, disbursing and accounting of the monies for the operation of the Reform Party in amounts sufficient to fulfill the Party Object, including setting the dollar amount and payment frequency of any dues, fees and assessments to be paid to the National Party by State Party Organizations.
  - f) providing for ongoing Reform Party public relations and voter education,
  - g) providing for the keeping, filing and archival storage of the official books, records and lists of the Reform

Party,

- h) assisting state Reform Party Organizations in the building of their State Party Organizations, election of their endorsed candidates and member education, and
- i) all other actions appropriate or necessary to carry out the provisions of this Constitution and the Bylaws and carry on the successful operation of the Reform Party.
- Section 2. The National Committee shall be composed of:
  - a) the Executive Committee,
  - b) three statewide Delegates from each State Party Organization
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing membership on the National Committee.
- Section 4. A National Committee Member shall be subject to the provisions of this Constitution and the Rules of their State Party Organization except where the State Party Organization rules conflict with this Constitution or state election laws. The State Chair shall be responsible for registering the State Party Organization's National Committee Members with the Executive Committee.
- Section 5. Each National Committee Member shall have the duty to serve on at least one Reform Party Standing Committee or Special Committee.
- Section 6. The National Committee shall meet one or more times in each calendar year. A National Committee meeting shall be called by the National Chairperson or by action of one-fourth of all National Committee members. The National Committee may conduct a vote by mail on matters pertaining to the election and/or nominating of officers, the election of committee members, the filling of vacancies, the activation and dismissal of Special Committees, the issuance of a Call to National Convention, the approval or amendment of the Reform Party budget and the amendment of the Bylaws.
- Section 7. A quorum of the National Committee shall be a majority of the registered National Committee Members.
- Section 8. The National Committee shall report to the National Convention.
- Section 9. National Committee Members shall be elected, not appointed, democratically by their respective State membership at State Conventions, caucuses or whatever democratic process is available, provided that such elections are in compliance with and do not violate State Election laws.

#### ARTICLE V Executive Committee

- Section 1. The Executive Committee shall be responsible for the conducting of the day to day business and affairs of the Reform Party, between meetings of the National Committee. The responsibilities of the Executive Committee shall include:
  - a) coordinating the efforts of the Standing Committees and the Special Committees so as to maximize efficiency, maximize resources, maximize effect and fulfill the object of the Reform Party.
  - b) providing for such organizational, administrative and financial support as the National Convention may require for its organization and operation,
  - c) providing for such organizational, administrative and financial resources as may be required to fulfill the Object of the Reform Party,
  - d) all actions appropriate or necessary to carry out the provisions of this Constitution, the Bylaws, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention, and
  - e) all actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 2. The Executive Committee shall be composed of the Reform Party USA Officers and seven regional representatives elected by the National Committee.
- Section 3. Regional Representatives to the Executive Committee shall be elected by the National Committee at the first meeting of the National Committee held in odd numbered years and shall serve for two years.
- Section 4. All Regional Representatives will be elected at meetings of the National Committee. Committee representatives from the states within the regions will caucus to elect one representative from each region. The regions are defined as:
  - a) Midwest Region - Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Minnesota
  - b) New England Region - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
  - c) Northeast Region - Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington D.C., West Virginia
  - d) Northwest Region - Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming
  - e) Pacific Region - Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington
  - f) Southeast Region - Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee

- g) Southwest Region - Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas
- h) The duties of each Regional Representative shall be:
  - (1) Be a Member of the Executive Committee;
  - (2) Be a conduit for informational flow between the State Party organizations in the respective Region and the Executive Committee;
  - (3) Provide all organizational help possible and practical to the State Party organizations in the respective Region when requested;
  - (4) Compile a list of qualified candidates for Committee Chairmen who have the ability, experience and knowledge for each Committee, for use by the National Chairman in making appointments.
  - (5) Compile a list of any special talents that have been identified within the state parties for potential service to the national party committee.
- Section 5. A Regional Representative may be removed by a two-thirds vote of the registered Members of the National Committee in that particular Region.
- Section 6. In the event of a vacancy in the position of Regional Representative, such vacancy shall be filled by a simple majority vote of the registered Members of the National Committee in that particular Region.
- Section 7. The duties of the Executive Committee shall include:
  - a) maintaining and providing Delegate lists and National Committee Member lists,
  - b) maintaining and keeping all national books, records and lists of the Reform Party,
  - c) taking those actions appropriate and necessary to carry out the provisions of this Constitution, the Bylaws, and the proper directives of the National Committee and the National Convention, and
  - d) taking those actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 8. The Executive Committee shall meet as necessary to conduct the required business of the National Party. Executive Committee meetings may be called upon action of the National Party Chair or upon action of any three Executive Committee Members. The Executive Committee may conduct a vote by mail.
- Section 9. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service on the Executive Committee.
- Section 10. A quorum of the Executive Committee shall be a majority of the Executive Committee Members.

#### **ARTICLE VI Standing Committee General Provisions**

- Section 1. There shall be six Standing Committees of the National Committee. The six Standing Committees: Rules, Issues, Party Building, Finance, Public Relations and Communications.
- Section 2. The responsibilities of each Standing Committee shall be:
  - a) Rules
    - The Rules Committee shall be responsible for: developing and proposing amendments to this Constitution; developing and proposing bylaws and other procedural rules, including amendments thereto, for the conduct of the national party; working with various State Party Organizations in development and adoption of their state party rules; other such duties as the Executive Committee may assign.
  - b) Issues
    - The Issues Committee shall be responsible for: reviewing, developing and proposing platform and policy for adoption by the National Convention; developing and proposing amendments to the national party Statement of Principles; developing and implementing plans to educate voters regarding various issues; other such duties as the Executive Committee may assign.
  - c) Party Building
    - The Party Building Committee shall be responsible for: developing and implementing strategies to build and maintain the party as a major national political party; working with the various State Party Organizations to build and maintain the party as a major political party within each state; other such duties as the Executive Committee may assign.
  - d) Finance
    - The Finance Committee shall be responsible for: fundraising at the national level; developing and implementing budgets for national party operations; assisting the National Treasurer in the performance of assign duties; advising the various State Party Organizations regarding fundraising and other financial issues; other such duties as the Executive Committee may assign.
  - e) Public Relations
    - The Public Relations Committee shall be responsible for: developing and implementing strategies for interfacing with the media and the public; developing media contacts nationwide; other such duties as the Executive Committee may assign.

- f) Communications
- The Communications Committee shall be responsible for: developing and implementing plans to keep party members informed on various public and internal party issues; developing internal party communications links between the various committees and various State Party Organizations; other such duties as the Executive Committee may assign.
- Section 3. Each Standing Committee Chair shall be appointed by the National Chairperson. No person shall simultaneously hold more than one of the following positions: Standing Committee Chair, Standing Committee Vice Chair or National Officer. Standing Committee Chairs shall be subject to those provisions of this Constitution that apply to National Officers. .
- Section 4. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service on a Standing Committee.
- Section 5. The members and any additional officers of each standing committee shall be appointed by the Chairperson of such Standing Committee. No more than one-fourth of the Members of a Standing Committee shall be members of the same State Party Organization.
- Section 6. Each Standing Committee shall be subject to the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 7. Each Standing Committee shall meet as necessary to conduct the required business of their Standing Committee. Standing Committee meetings may be called upon action of the Standing Committee Chair or upon action of one-fourth of the Standing Committee Members. Standing Committees may conduct business by mail, teleconference or other electronic media. Each Standing Committee may adopt such rules of operation as the Standing Committee Members deem necessary to conduct Committee business.
- Section 8. Each Standing Committee shall report to the Executive Committee. Each Standing Committee shall also report to the National Committee and to the National Convention.

#### ARTICLE VII Special Committees and Sub-Committees

- Section 1. Special Committees and Sub-Committees
- a) Special Committees may be established for specific purposes by action of the National Party Chair or by majority vote of the Executive Committee, National Committee or National Convention. The Chair of any Special Committee shall be appointed by the National Party Chair. Special Committees exist at the pleasure of the National Party Chair.
- b) Sub-Committees to any existing Committee may be established for specific purposes by action of the parent Committee Chair. The Chair of any Sub-Committee shall be appointed by the parent Committee Chair. Sub-Committees exist at the pleasure of the parent Committee Chair.
- c) The Members and any additional Officers of each Special Committee or Sub-Committee shall be appointed by the Chairperson of such Special Committee or Sub-Committee
- Section 2. The responsibilities of each Special Committee or Sub-Committee shall be stated when establishing the Special Committee or Sub-Committee.
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Member of any Special Committee or Sub-Committee.
- Section 4. Each Special Committee and Sub-Committee shall be subject to the Executive Committee, National Committee, the provisions of this Constitution, the provisions of the Bylaws and to the Resolutions and proper actions of the National Convention. Each Sub-Committee shall also be subject to its specific parent Committee.
- Section 5. A Special Committee or Sub-committee meeting shall be called upon the action of the Special Committee's or Sub-committee's Chairperson or upon the action of one-fourth of a Special Committee's or Sub-committee's members such as is provided in this Constitution and such as may be provided in the Bylaws. A Special Committee or Sub-committee may conduct a vote by mail such as is provided in this Constitution and such as may be provided in the Bylaws. Each Special Committee or Sub-committee may adopt such rules of operation as the Special Committee or Sub-committee Members deem necessary to conduct Committee business.
- Section 6. Each Special Committee shall report to the Executive Committee, the National Committee, and to the National Convention provided that the Special Committee, so reporting, is properly directed to do so. Each Sub-Committee shall report to its specific parent Committee.

#### ARTICLE VIII National Officer General Provisions

- Section 1. The National Officers shall be the Chair, the Vice Chair, the Secretary, and the Treasurer. There may

be a National Executive Director of the Party, who shall not be an Officer or Member of any Committee.

- Section 2. The National Officers shall have the following responsibilities:
  - a) The National Party Chair shall preside over meetings of the Executive Committee, National Committee and National Convention and act on behalf of the Party to carry out the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution.
  - b) The National Party Vice Chair shall assist the National Party Chair in the operation of the Party and serve as National Party Chair in the absence of the National Party Chair.
  - c) The National Secretary shall: have custody of the official copy of this Constitution, the bylaws and any other rules adopted by the party; attend all meetings and record the proceedings of such meetings including, at a minimum, all actions taken by the Executive Committee, the National Committee and the National Convention; maintain the records (except financial) of the National Party; provide official notice of all meetings of the Executive Committee, the National Committee and the National Convention; perform other duties as may be assigned by the Executive Committee.
  - d) The National Treasurer shall: have custody of the Party funds and shall keep full and accurate records thereof in books belonging to the Party; deposit all monies and other valuable effects to the name and to the credit of the Party in such depositories as may be designated by the Executive Committee; prepare and file required federal reports; disburse funds in accordance with the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution; report on the financial status of the Party at each meeting of the Executive Committee, the National Committee and the National Convention.
- Section 3. Each National Officers shall be elected by majority vote of the registered Delegates at the National Convention. Each National Officer shall be elected by written ballot. National Officers shall be Party Members but need not be National Committee Members or National Committee Delegates to be eligible for election as a National Officer. Nominations shall be accepted from the floor when made by any registered Delegate. National Officer elections shall be held in each odd numbered year.
- Section 4. Each National Officer's term of office shall be two years. Each National Officer's term shall begin on the first day of January in each even numbered calendar year. No National Officer shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.
- Section 5. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service as a National Officer.
- Section 6. A National Officer may be removed by:
  - a) a two-thirds roll call vote of the registered Members of the National Committee, or
  - b) a majority vote of the registered Delegates of the National Convention.
- Section 7. National Officer vacancies shall be filled by majority vote of the registered Delegates of the National Convention. National Officer vacancies may be temporarily filled by majority vote of the registered Members of the National Committee. A person filling such vacancy must meet the qualifications for eligibility for election as a National Officer. Such a person, so elected, shall be seated until such time as the Office is filled by majority vote of the registered Delegates of the National Convention subject to the provisions of Section 3 of this Article.
- Section 8. The Reform Party Chairperson shall be ex-officio a member of all Reform Party committees except the Nominations Committee.
- Section 9. Each National Officer shall be subject to the proper directives and actions of the Executive Committee, the proper directives and actions of the National Committee, the provisions of this Constitution, the provisions of the Bylaws and the Resolutions and proper actions of the National Convention.
- Section 10. Each National Officer shall report to the Executive Committee, the National Committee, and the National Convention.
- Section 11. Upon resolution adopted by a majority of the registered Members of the National Committee authorizing the expenditure of such funds, the National Chair shall have the authority to name any Party Member to fill the position of National Executive Director upon confirmation by a majority vote of the Executive Committee.
  - a) The National Executive Director shall not be a Party Officer or Member of any Committee and shall report directly to the National Chair.
  - b) The National Executive Director shall be responsible, at the direction of the National Chair, for the day-to-day activities of the Party, subject to the provisions of this Constitution, the bylaws, the Resolutions and actions of the National Convention, and the proper directives of the National Committee and the Executive Committee.
  - c) The National Executive Director may be removed from the position by two-thirds vote of the Executive Committee.

## ARTICLE IX State Party Organizations

- Section 1. A State Party Organization shall be responsible for conducting all Reform Party state level business and affairs in its constituent state democratically and for providing for the successful operation of a major state political party which is in keeping with the Principles and Object of the Reform Party of the United States of America, the provisions of this Constitution and the provisions of the Bylaws. This major state political organization which is operated by the State Party Organization is not obligated to use the name of the national party.
- Section 2. Recognition shall be granted to no more than one State Party Organization in each state or territory of the United States of America.
- Section 3. A State Party Organization may be granted Official Recognition by a majority vote of the registered Delegates of the National Convention. A State Party Organization may be granted Provisional Recognition by a two-thirds vote of the registered Members of the National Committee.
- Section 4. Official Recognition of a State Party Organization shall continue until such time as such recognition is removed. Provisional Recognition of a State Party Organization shall continue until such time as such recognition is removed or until the next National Convention.
- Section 5. The conditions of continuing Official Recognition and the conditions of continuing Provisional Recognition shall be affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles.
- Section 6. Removal or Suspension of Official Recognition of a State Party Organization and removal or expiration of Provisional Recognition of a State Party Organization shall be such that:
  - a) Official Recognition of a State Party Organization may be removed by a two-thirds vote of the registered Delegates of the National Convention.
  - b) Official Recognition of a State Party Organization may be suspended by a two-thirds vote of the registered Delegates of the National Convention. Such suspension shall not exceed a period of six calendar months. Such suspension shall be imposed by means of a Resolution of the National Convention. Such a Resolution shall:
    - (1) specify the conditions under which the suspension shall be lifted.
    - (2) specify the end date of the suspension time period.
    - (3) specify the manner in which the fulfillment of such conditions shall be verified, and
    - (4) shall be subject to the provisions of this Constitution and subject to the provisions of the Bylaws.
  - c) The votes of National Committee Members and the votes of Delegates who are Members of a State Party Organization which is so suspended shall not be counted.
  - d) A State Party Organization which is so suspended and which fails to fulfill the conditions to lift such suspension shall automatically and immediately forfeit its Official Recognition upon the end date of such suspension.
  - e) Provisional Recognition of a State Party Organization may be removed by majority vote of the registered Members of the National Committee.
  - f) Provisional recognition of a State Party Organization shall automatically and immediately expire upon adjournment of the session of the National Convention which follows the date such Provisional Recognition was granted.
- Section 7. Each State Party Organization which has been granted Official Recognition or Provisional Recognition and each organization which requests Official Recognition or Provisional Recognition shall:
  - a) provide the Executive Committee with true, current and complete copies of its Constitution, Bylaws and/or Rules and copies of all legally required state and federal reports.
  - b) provide the Executive Committee with any such additional information the Executive Committee similarly requests of all State Party Organizations or organizations.
  - c) pay dues, fees and assessments such as is provided in this Constitution and such as may be provided in the Bylaws.
- Section 8. A State Party Organization which has been granted Official Recognition or Provisional Recognition shall be eligible to receive all the Delegate seats which are available to be allocated to the State Party Organization so recognized. A State Party Organization and the members of such State Party Organization so recognized shall be eligible to participate without restriction in the national affairs of the Reform Party including all sessions of the National Convention and all national committees subject to the provisions of this Constitution, subject to the provisions of the Bylaws and Section 6 of this Article except that:
  - a) a Member of a State Party Organization which has been granted Provisional Recognition shall not be eligible to be elected as a National Officer.
  - b) each Delegate or National Committee Member of a State Party Organization which has been granted

Provisional Recognition shall not be entitled to vote on questions pertaining to Official Recognition or Provisional Recognition of his or her own State Party Organization.

- Section 9. State Party Organizations shall be subject to the laws of the State in which the State Party Organization is organized, the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the National Officers, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 10. A State Party Organization shall, as a condition of continuing recognition, have no less than one-fourth of its registered Delegates in attendance at each session of the National Convention. A State Party Organization shall allow none of its National Committee seats to remain vacant for more than sixty days from the effective date of a written resignation, removal from position or second absence from a National Committee Meeting if such absences have not been excused by the Executive Committee.
- Section 11. Individual Reform Party Member participation rights shall be such that:
  - a) In a state which has no State Party Organization such as is provided for in this Constitution, a person who identifies himself or herself as a Reform Party member shall have no Reform Party participatory rights except such rights as are accorded to any other citizen.
  - b) In a state which has an Officially Recognized or Provisionally Recognized State Party Organization, a person who identifies himself or herself as a Reform Party Member but does not also identify himself or herself as a member of his or her state's State Party Organization shall have no participatory rights except such rights as are accorded to any other citizen.
  - c) Citizens of states which have no State Party Organization who express an interest in establishing a State Party Organization in their state shall be listed by the Executive Committee. Such a list shall be provided to other similarly interested citizens of such state upon the request of such citizens until such time as a State Party Organization is established in such state.

#### ARTICLE X General Provisions

- Section 1. All financial reports and all budget reports, given or approved by any Reform Party Committee or any Reform Party Officer, shall be prepared in keeping with the Generally Accepted Accounting Principles as are established by the Financial Standards and Accounting Board.
- Section 2. No dues, fees, financial assessments, administrative fees, subscription fees or member fees shall be implemented or required which are not specifically provided for in this Constitution or the Bylaws.
- Section 3. No Reform Party Officer shall be compensated for services rendered to the Reform Party except for reimbursement of legitimate personal expenses incurred in the performance of one's official Reform Party duties.
- Section 4. The minutes of all Reform Party meetings shall be available upon request.
- Section 5. There shall be no proxy voting or voting by proxy.
- Section 6. Definitions of certain words used in this Constitution shall be such that:
  - a) The words "Party" and "Reform Party" shall mean the Reform Party of the United States of America.
  - b) The words "Reform Party Member" and "Member" shall mean any person eligible to vote in the next election of the President of the United States who identifies himself or herself as a member of the recognized State Party Organization in his state of residence and meets such requirements as provided in the Rules of their State Party Organization.
  - c) The words "State Party Organization" shall mean an organized body of citizens which has been granted Official Recognition or Provisional Recognition such as is provided in this Constitution and such as may be provided in the Bylaws. The recognized Party Organization in the District of Columbia shall also be identified as a "State Party Organization" with one (1) Congressional District. U.S. Territories and Possessions establishing Party Organizations shall each, upon recognition, also be identified as a "State Party Organization" with one National Committee Member and one Congressional District Delegate for a total of two National Convention Delegates.
  - d) The words "mail", "by mail" or "mailed to" shall mean delivery of a written document or documents via the First Class Mail service of the United States Postal Service or delivery of written documents via a delivery service that is as reliable or more reliable and that is as fast or faster than that of the First Class Mail service of the United States Postal Service.
  - e) The words "vote by mail" shall include fax or other electronic means such as email provided the response can be reliably verified as originating from the qualified voting individual.
  - f) The words "proper" or "properly" shall mean in keeping with all applicable provisions of this Constitution, in keeping with all applicable provisions of the Bylaws and in keeping with all applicable provisions of the rules of State Party Organizations.
  - g) The word "meeting" shall also include teleconferences, video conferences, computer conferences or other

electronic means allowing for direct interaction by the qualified participants and for which official minutes are taken or a transcript is made documenting the participants and any actions taken.

- Section 7. No person shall hold any position provided for in this Constitution who is not a Member of a Recognized State Party Organization.
- Section 8. Honorary titles or positions may be conferred upon individuals by Resolution of the National Convention.
- Section 9. The publication and distribution of this Constitution and the Bylaws shall be such that:
  - a) This Constitution and the Bylaws shall be published and distributed in writing in the format and type style herein indicated or in other such formats and type styles as may be provided by proper action of the Executive Committee.
  - b) When distributed, the Bylaws shall be attached to this Constitution and this Constitution, the Bylaws and any amendments thereto shall be bound together in their entirety under a cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."
  - c) A title page and a table of contents for this Constitution and a title page and a table of contents for the Bylaws may be included under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America." Such title pages and such tables of contents shall not be deemed part of this Constitution and shall not be deemed part of the Bylaws. Such title pages shall indicate the effective dates of this Constitution, the Bylaws and any amendments thereto.
  - d) The pages of this Constitution, the pages of the Bylaws and the pages of any amendments thereto may be numbered. Such page numbering shall not be deemed as part of the text of this Constitution, the Bylaws or any amendments thereto.
  - e) Any amendments to this Constitution shall be attached to the final page of this Constitution and any amendments to the Bylaws shall be attached to the final page of the Bylaws until such time as the Executive Committee provides for the publication of this Constitution and/or the publication of the Bylaws as amended.
  - f) There shall be no introductory information, preface, reader's guide, letters by National Officers or any other such information pertaining to this Constitution and pertaining to the Bylaws distributed under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."
- Section 10. The provisions of this Constitution and the provisions of the Bylaws shall be deemed severable and separately enforceable. Should any Article, Section, sub-section or provision of this Constitution or of the Bylaws be invalidated or declared void, all other provisions of this Constitution and all other provisions of the Bylaws shall remain in full force and effect.
- Section 11. The interpretation, meaning and effect to be given the provisions of this Constitution and to be given the provisions of the Bylaws shall not be inconsistent with federal law.

#### ARTICLE XI Bylaws

- Section 1. There may be Reform Party Bylaws. The Bylaws shall be such that:
  - a) The provisions of the Bylaws shall be subject to the provisions of this Constitution. In a case such that a provision or provisions of the Bylaws are in conflict with a provision or provisions of this Constitution, the provision or provisions of this Constitution shall prevail and the provision or provisions of the Bylaws which so conflict shall be deemed null and void.
  - b) The Bylaws shall be consistent with the Principles and Object of the Reform Party and consistent with the provisions of this Constitution.
  - c) The Bylaws shall have Articles and Sections which are similar in form, number, title and topic to the Articles and Sections of this Constitution. The Bylaws may contain additional Articles and additional Sections to address topics not addressed in this Constitution.

#### ARTICLE XII Parliamentary Authority

- The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern this convention in all cases to which they are applicable and are not inconsistent with any Rules, Bylaws, Constitution or resolutions adopted by the National Convention or National Committee.

#### ARTICLE XIII Amendment

- This Constitution may be amended by a two-thirds vote of the National Convention provided that thirty (30) days previous notice and a precise written copy of the motion to amend this Constitution, such motion may not be amended, is provided to each registered Delegate.

Constitutional Amendments  
for  
Consideration at the 2000 Reform Party National Convention

Submitted by the  
Rules Committee of the RPUSA  
June 15, 2000

1. CONSTITUTIONAL AMENDMENT # 1

Proposed: Add Article X, Section 12:

Section 12.

*not new*

No person may serve as National Party Treasurer, or have custody of significant party assets, unless and until said person is insured by a Surety Bond in an amount and with terms determined by the Executive Committee. In the event the National Party Treasurer or such other person is unable to obtain a suitable Surety Bond, the Executive Committee may take such action as it deems necessary to provide for the security and safekeeping of Party assets in that person's custody, including but not limited to removal of the person from office by majority vote.

The Executive Committee may appoint an interim National Party Treasurer to fill a vacancy in that office, until such time as a proper election is held.

All expenses incurred in order to comply with the requirements of this section shall be paid or reimbursed by the Party.

2. CONSTITUTIONAL AMENDMENT # 2

*not new*

Insert new Article X, Section 2 after Section 1 and renumber subsequent Sections as appropriate:

Section 2. No contract or agreement may be executed on behalf of the Reform Party without the prior express authorization of the National Convention, National Committee or the Executive Committee.

3. CONSTITUTIONAL AMENDMENT # 3

Revise Article VI, Section 3:

Replace first sentence, currently:

"Each Standing Committee Chair shall be appointed by the National Chairperson."

Replace with:

"Each Standing Committee Chair shall be nominated by the National Chairperson and confirmed by majority vote of the Executive Committee."

4. CONSTITUTIONAL AMENDMENT # 4

Replace Article VII, Section 1a in its entirety:

Special Committees may be established for specific purposes by action of the National Party Chair or by majority vote of the Executive Committee, the National Committee or the National Convention. The establishing authority may designate the Chairperson of a Special Committee. When not so designated by the establishing authority, or to fill a vacancy, the Chairperson of a Special Committee shall be nominated by the National Party Chair and confirmed by majority vote of the Executive Committee.

5. CONSTITUTIONAL AMENDMENT # 5

Revise Article III, Section 10c

Replace the first sentence, which currently reads:

"The National Convention shall be called into session once each calendar year."

Replace with:

"The National Convention shall be called into session in even numbered years."

2. Replace Article VIII, Section 3, in its entirety:

Section 3. National Officers shall be elected by majority vote of the National Convention Delegates. A candidate for election as a National Officer must be a Party Member, but need not be a National Committee Member or a National Convention Delegate. Nominations for National Officers shall be accepted from the floor when properly made by a National Convention Delegate. National Officer elections shall be held at the first National Convention occurring in each even-numbered year.

3. Replace Article VIII, Section 4, in its entirety:

Section 4. National Officer terms shall begin immediately upon election to office. No person shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.

6. CONSTITUTIONAL AMENDMENT # 6

Replace Article VIII, Section 4, in its entirety:

Section 4. National Officer terms shall begin immediately upon election to office. No person shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.

7. CONSTITUTIONAL AMENDMENT # 7

Replace Article VIII, Section 3, in its entirety:

Section 3. National Officers shall be elected by majority vote of the National Convention Delegates. A candidate for election as a National Officer must be a Party Member, but need not be a National Committee Member or a National Convention Delegate. Nominations for National Officers shall be accepted from the floor when properly made by a National Convention Delegate. National Officer elections shall be held at the regular National Convention occurring in each even-numbered year.

8. CONSTITUTIONAL AMENDMENT # 8

Amendment 8.1

Replace Article III, Section 4.d., in its entirety:

d) be pre-registered with the Executive Committee and signed-up and registered with the Credentials Committee upon arrival at the Convention site. No person shall be deemed to be a Delegate, who is not so registered. *fw*

Amendment 8.2

In Article III, Section 4.d., insert the words "at the Convention" between the words "registered" and "with". The new Section 4.d would read:

d) be registered at the Convention with the Executive Committee. No person shall be deemed to be a Delegate, who is not so registered.

9. CONSTITUTIONAL AMENDMENT #9

Renumber Article V, Section 4, part h) as Article V, Section 5. Renumber the remaining Sections accordingly. *fw*

10. CONSTITUTIONAL AMENDMENT # 10

Revise Article III, Section 10c

1. Delete all wording in Section 10c following the phrase:

"In case of an emergency, ...", including subsections 10c(1) and 10c(2). *RW*

2. Insert new Section 10d, renumber subsequent items as appropriate.

d) Emergency Convention

(1) A case of emergency shall be deemed to exist upon such being officially declared by two-thirds vote of the Executive Committee or by majority vote of the National Committee. In case of an emergency, a National Convention shall be scheduled and arranged, and the National Secretary shall properly issue a Call to National Convention.

(2) An official declaration of emergency shall in no way remove, alter, or have precedence over any of the provisions of this Constitution, or the provisions of the Bylaws.

11. CONSTITUTIONAL AMENDMENT # 11

Revise Article IV, Section 6 by striking the words "the election of committee members,".

# Amendment Consideration for the RPUSA Constitution July 7, 2000

The following request to amend the Constitution was passed by resolution at an Executive Committee and I was instructed to mail to each of the Delegates for their consideration and vote at the upcoming National Convention.

## TEXT VERSION:

#1: Section 5. A Regional Representative may be removed for cause at an in-person, face-to-face, meeting with 30 days notice by a two-thirds roll-call vote of the registered Members of the National Committee in that particular Region. *DM*

Duty, Honor, Country

Gerald Moan  
Chairman, Reform Party of the USA  
Chairman, 2000 Convention Committee

**Statement for the Record**  
**Vice Chairman Danny L. McDonald, Commissioner Scott E. Thomas,**  
**and Commissioner Bradley A. Smith**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Request of James Mangia to Deny Certification )  
of Public Funds to Patrick J. Buchanan and ) LRA #598  
Ezola Foster )

Request of New York Delegation to Deny Certification )  
of Public Funds to Patrick J. Buchanan and ) LRA #599  
Ezola Foster )

### STATEMENT FOR THE RECORD

**VICE CHAIRMAN DANNY L. McDONALD; COMMISSIONER SCOTT E. THOMAS; AND COMMISSIONER BRADLEY A. SMITH**

The Commission has issued Statements of Reasons for denying two requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster.<sup>1</sup> Although we have voted for the Statements of Reasons, we write separately to express the reservations we have for the substantive portions of these Statements, and to address the concern of our colleagues that these requests were not properly before the Commission.

#### **1. Procedural Argument: Submission not Properly Before the Commission**

Some of our colleagues believe the requests of Mr. Mangia and the New York Delegation are not properly before the Commission, as the Commission has no formal procedure for recognizing such submissions. It is true neither the Act nor Commission regulations provide a specific procedure to contest an application for public funds. Nevertheless, the Commission has acted on such applications in the past, issuing

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<sup>1</sup> Statement of Reasons, Request by Mr. James Mangia to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #598; Statement of Reasons, Request by the New York Delegation to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #599. As the reasoning is the same in the Statements of Reasons denying both submissions, we will treat the Statements as being a singular "Statement," and refer to the page cites as they appear in the Statement of Reasons for LRA #598.

statements of reasons to explain our decisions. There may be times when the Commission ought to hear such allegations from knowledgeable third parties in determining whether or not a basis exists for the Commission to deny an application for public funds. It is difficult to believe the Commission would ignore widely-reported fraud that would disqualify a candidate. If the agency would not ignore such allegations as they might appear in the press, we see no reason to ignore them because they are placed in a written submission addressed to the Commission.

In our view, the most logical way to treat such submissions, when timely submitted (that is, when submitted before the ruling of the Commission) would be as comments on the application.<sup>2</sup> The fact that 26 U.S.C. §9005(a) allows 10 days for the Commission to consider an application for public funds suggests to us that our responsibility is more than purely ministerial, so that a formal process to accept such comments would not be contrary to the statute.

We would like to consider formalizing a process for such comments through rule-making. At the present time, however, in light of the Commission's history of accepting such comments and issuing statements of reasons in response, we think it inappropriate simply to deny the petitions on those procedural grounds, without discussing the substance of the complaints.

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<sup>2</sup> Commissioner Smith is of the opinion that the submissions of Mr. Mangia and the New York Delegation ought not be treated as petitions requiring a formal denial, but rather, as comments on the application of Mr. Buchanan and Ms. Foster.

## 2. Substantive Arguments to Deny Requests

The substantive rationale for denying the requests can be captured in a single sentence included in each Statement of Reasons:

As Mr. Buchanan and Ms. Foster have submitted documentation demonstrating that they have qualified to appear on numerous general election ballots as Reform Party candidates, they meet the Fund Act's definition of 'candidate,' and the Reform Party, under whose designation they run, meets the definition of 'political party.'<sup>3</sup>

It is true that Mr. Buchanan and Ms. Foster are "candidates" under the Fund Act, as they are on the ballot in ten states under the Reform Party banner. And it is also true that the Reform Party is a political party, formally recognized by the Commission.<sup>4</sup> We have joined this part of the Statement of Reasons on the understanding that we are saying we have no reason to doubt the Reform Party, as formally recognized, nominated Mr. Buchanan and Ms. Foster for President and Vice President for the 2000 election cycle. At the same time, however, some might read the Statement of Reasons to say that a quest for funds, in a situation in which two candidates each claim to be the proper nominee of a party and the just recipient of public funds, is a mere race to the states for ballot access certification, and then to this Commission for automatic certification for public funds. As this is not our understanding, we wish to clarify our view of the Commission's obligations in certifying general election funds under the Presidential Election Campaign Fund Act.<sup>5</sup>

The Statement of Reasons notes that "[t]he Fund Act's definition of 'candidate' explicitly requires the Commission to rely on the states' determinations of who appears

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<sup>3</sup> Statement of Reasons, at 11.

<sup>4</sup> On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds. On April 3, 2000, United States Judge Norman K. Moon issued an order awarding the Reform Party's convention funds to a group headed by Convention Chair/Treasurer Gerald Moan. *See Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>5</sup> 26 U.S.C. §9001, *et seq.*

of the popular vote.<sup>10</sup> This requires at least some determination on our part that the party whose nomination is claimed is, in fact, the party that garnered five percent or more of the vote in the last election.

State ballot access laws are not suited, and in our opinion were not intended by either Congress in passing the Act, or the states in passing their laws, to serve this function. Many states provide no role for party organizations to determine their own nominees for the general election ballot – yet the Act requires us to award funds to the nominee by virtue of his nomination by the party, not merely his independent effort to gather signatures for ballot access. Many states place no limit on the use of a party name so long as it is not already in use. Thus, it would be possible for a party to disband, and for a very different group to appear on the ballot four years later under the same name. The states do not concern themselves with such developments. Thus, recognition by ten states that a candidate is on the ballot under a particular name cannot satisfy the criterion that he be the nominee of the same party that won at least five percent in the last election. In this respect, our analysis is similar to that of Commissioner Sandstrom. We must make some assessment of party history. Our difference with Commissioner Sandstrom is that he seems to view this determination as requiring a far more exhaustive review of party affairs than we do,<sup>11</sup> and he would want a court, rather than the Commission, to take this responsibility.<sup>12</sup>

The Statement of Reasons correctly notes that “[t]he Commission should not entangle itself in the complexities of party rules or procedures *as the Fund Act does not define eligibility in terms of a political party's actions.*”<sup>13</sup> We agree. But to be the eligible candidate of a minor party, one must have been nominated by that party, and in

<sup>10</sup> 26 U.S.C. §9002(7).

<sup>11</sup> See “Memorandum: 2000 General Election Entitlement - Reform Party,” Commissioner Karl J. Sandstrom, at 6-9. (“What determines who the valid nominee of the Reform Party is? The party does. And by ‘party,’ I do not mean the inquiry stops with what the party officers say. ... The answer depends on the rules that were created to govern the Reform Party.”)

<sup>12</sup> Sandstrom Memorandum, *supra*, at 7. (“A court is better suited to resolve the dispute over which individual is the valid nominee of the Reform Party.”) (emphasis subtracted).

<sup>13</sup> Statement of Reasons at 10 (emphasis added).

that limited sense – and that sense only - the Commission must “define eligibility in terms of the political party’s actions.” In this matter, we have before us no substantial reason to doubt that the qualifying Reform party nominated Mr. Buchanan and Ms. Foster. The only reasons to question Mr. Buchanan’s *bona fides* as the party nominee are the challenges to his application, and, as is clear, the violations here alleged are insufficient to deny certification.

The Statement of Reasons characterizes both petitions to deny certification as insubstantial because they merely “relate to events of competing factions of the Reform Party and raise questions regarding which faction is the ‘true’ Reform Party.”<sup>14</sup> The Statement of Reasons responds to the petitioners that this Commission does not pick “true” factions of parties, as the “Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual ... whose name appears on the general ballot as the candidate for that association.”<sup>15</sup> While we agree it is not for us to inquire into the “true” goals of the Reform Party, the Statement of Reasons strikes us as incomplete.<sup>16</sup> It would provide no guidance, other than a race to the Commission, where competing candidates, each on the ballots of ten states and both purporting to be the nominee of the same party, were to apply to the Commission for the same general election funds. We acknowledge that this concern is somewhat hypothetical given that Mr. Hagelin did not appear to have met the ten-state requirement in the first place. But had he done so, the need to trace a nominee from the convention formally recognized and partially funded by this Commission would have been compelling. We believe, therefore, that while the Commission need not pick the “true” goals for the political parties, it must track which faction is properly tied to the successful results in the previous election –

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<sup>14</sup> *Id.*

<sup>15</sup> The exact language of the retort was as follows: “However, the Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual for federal office whose name appears on the general election ballot as the candidate for that association. 11 C.F.R. §9002.15.”

<sup>16</sup> Indeed, John Hagelin and Nat Goldhaber too claim to have been nominated by the Reform Party. See Statement of Reasons, Mangia’s Sworn Supplement, Attachment 2, at 1-2 (“Since the filing of my Original Sworn Statement ... I have become the duly-elected National Party Chair of the Reform Party of the United States of America. In addition, the Reform Party ... has elected John Hagelin ... and Nat Goldhaber as its candidate[s].”)

here, the Reform Party results in the 1996 election. On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds, and, on April 3, 2000, United States Judge Norman K. Moon issued an order awarding those funds to a group headed by Convention Chair and Treasurer Gerald Moan.<sup>17</sup>

In looking to whom the Reform Party nominated at their convention, the proper standard for us to follow is that of the Minnesota Supreme Court in *Democrat Farm Labor State Central Committee v. Holm*.<sup>18</sup> Faced with a similar battle over party rules and delegate credentials, the Court, quoting the North Dakota Supreme Court in *State v. Lavik*<sup>19</sup>, noted: "It is not our province to correct parliamentary errors ... ."<sup>20</sup> Rather, the court relied on the rulings made, "whether rightly" or wrongly, of the party chair and committees.<sup>21</sup> Following this standard, we are not required to arbitrate among candidates or interpret party rules and by-laws. In recognizing the Party as a private entity, we do not concern ourselves with whether or not Mr. Buchanan was nominated in strict accordance with party rules.<sup>22</sup> Our only concern is whether or not he is the nominee of the party. Under this standard, there is no difficulty in tracing the Buchanan and Foster nominations to those results, for the relevant facts are undisputed. The challenges themselves<sup>23</sup> agree that on August 8, 2000, a meeting of the Reform Party National Committee was properly convened in Long Beach. It was presided over by the party's

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<sup>17</sup> See *Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>18</sup> 227 Minn. 52; 33 N.W.2d 831 (Minn. 1948).

<sup>19</sup> *State, ex rel. Hans Fosser v. Andrew J. Lavik*, 9 N.D. 461; 83 N.W. 914 (N.D. 1900).

<sup>20</sup> *Democrat Farm-Labor v. Holm*, 227 Minn. 52, at 58; 33 N.W.2d 831 at 834 (Minn. 1948); quoting *State v. Lavik*, 9 N.D. 461 at 462; 83 N.W. 914 at 915 (N.D. 1900).

<sup>21</sup> *Democrat Farm-Labor*, *supra* note 18, at 58; quoting *Lavik*, *supra* note 18, at 462.

<sup>22</sup> See generally, *Cousins v. Wigoda*, 419 U.S. 477 at 496 (1975). (A state cannot compel a national political convention to seat delegates against its will); *Democratic Party of the United States v. Wisconsin, ex rel. LaFollette*, 450 U.S. 107 at 126 (1981).

<sup>23</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1, at 9.

Vice-Chair and Acting Chairman, Gerry Moan.<sup>24</sup> That too seems to be undisputed. What is also undisputed is that certain members of the party, including the petitioners, were unhappy with rulings made by the Party Chairman. Believing these rulings violated party rules, but outvoted at the meeting, they walked out of the convention.<sup>25</sup> But a majority of those who had come for the National Committee meeting stayed and continued on with party affairs. A majority held the convention, attended and chaired by the person in charge of the Convention Committee we had previously certified for convention funding. This convention nominated Patrick J. Buchanan and Ezola Foster for President and Vice President, respectively.

In our view, the statements of Mr. Mangia and other challengers make clear that Mr. Buchanan was nominated by the Reform Party whose nominees are entitled to public funds for the general election. Because Mr. Buchanan and Ms. Foster are on the ballot in ten states, were nominated at the Reform Convention formally recognized and partially funded by this Commission, and have met the other requirements of eligibility under 26 U.S.C. §9003 of the Fund Act, there is no just reason to deny a certification of funds to Patrick J. Buchanan and Ezola Foster.

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<sup>24</sup> *Id.*

<sup>25</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1 at 11. -

Finally, it is not inappropriate to briefly address other concerns that have been raised in various comments on the application of Buchanan and Foster. Notably, several commenters have argued, essentially, that we should deny certification of funds to the Buchanan campaign because they consider Buchanan a bad man with unworthy views. In one commenter's words, we should consider that Buchanan's campaign is "built on hatred and destruction," and that public funds going to Buchanan will find their way into the "pockets of people who support bigotry, hatred, and even violence against other Americans."<sup>26</sup> Leaving aside the merits, or lack thereof, to this charge, the Fund Act does not allow discretion to deny certification of funds on the basis of the applicant's political beliefs.

10/19/00  
Date

Danny L. McDonald  
Danny L. McDonald  
Vice-Chairman

10/18/00  
Date

Scott E. Thomas  
Scott E. Thomas  
Commissioner

10/18/00  
Date

Bradley A. Smith  
Bradley A. Smith  
Commissioner

<sup>26</sup> Letter of Donna Donovan, September 9, 2000, submitted *ex parte* and on file with the Commission.



**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
Request by Mr. James Mangia	)	LRA #598
to Deny Certification of Public Funds	)	
to Patrick J. Buchanan and	)	
Ezola Foster	)	
	)	

**STATEMENT OF REASONS**

**I. INTRODUCTION**

On September 14, 2000, the Commission denied a submission filed by Mr. James Mangia requesting that the Commission withhold certification of public funding to Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign under the Presidential Election Campaign Act, 26 U.S.C. §§ 9001-9013 ("Fund Act"). This Statement of Reasons sets forth the legal and factual basis for the Commission's determination.

**II. BACKGROUND**

On August 11, 2000, Mr. James Mangia filed a submission requesting that the Commission deny certification of Patrick J. Buchanan and Ezola Foster to receive public funding for the 2000 presidential general election. *See Attachment 1.* On August 31, 2000, Mr. Mangia filed a supplement. *See Attachment 2.* On September 6, 2000, Mr. Buchanan filed a response to the Mangia submission. *See Attachment 3.*

On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R.

§ 9003.1. In a letter dated August 24, 2000, the Commission requested that the candidates provide evidence demonstrating that they had qualified to appear on the general election ballot in ten or more states as nominees of the Reform Party.

Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation indicating that they have qualified to appear on the general election ballots as the nominees of the Reform Party in at least ten states.

In his submission, Mr. Mangia alleges that Mr. Buchanan “knowingly and willfully submitted and/or are preparing to knowingly and willfully submit false, fictitious and fraudulent information to the FEC, in violation of Federal Campaign Funding Law.”<sup>1</sup> See Attachment 1, page 4. As a result, Mr. Mangia requests that until these allegations are fully investigated, the Commission should “withhold making its decision regarding certification of the Reform Party nominee for the Office of the President of the United States.” *Id.* at 14.

The challenge asserts that Patrick J. Buchanan and his supporters attempted to “override the directives and resolutions by the PNC [Presidential Nominating Committee] and the Executive Committee and the proper and lawfully constituted Reform Party of the United States of America, now that the respondents have control of a rogue faction, claiming to be the Reform Party of the United States of America.” *Id.* at 12. Mr. Mangia asserts that Mr. Buchanan and his supporters sought to abolish the Rules for the selection of Reform Party of the United States Nominees for President and Vice President of the United States, which is expressly prohibited in a presidential election year, “and conduct

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<sup>1</sup> In his supplement, Mr. Mangia provided updated information regarding Mr. Buchanan’s nomination and additional evidence supporting his claims. See Attachment 3.

an invalid floor vote at an illegal convention, or utilize the invalid and improper ballots to purportedly win the Reform Party Primary, and thereby wrongfully and fraudulently attempt to become the purported Reform Party Nominee for the Office of the President of the United States.” *Id.* at 12-13.

The challenge concludes that the actions by Mr. Buchanan and his supporters constitute balloting and voter fraud. *Id.* at 13. Moreover, Mr. Mangia alleges that any representation to the Commission by Patrick Buchanan that he is the valid and lawful Reform Party nominee for Office of the President of the United States, constitutes a false, fictitious, and fraudulent representation to the Commission, in violation of 26 U.S.C. § 9012(d)(1).

Mr. Mangia also alleges that Angela “Bay” Buchanan violated the law by demanding that the Reform Party enter into a “secret agreement” to keep the names on the “Pat Buchanan supporter list” secret.<sup>2</sup> *Id.* at 13. The challenge states that federal election laws make it a criminal offense for the administrators of a presidential primary election to fail to retain the records of the primary for a period of 22 months, and that it is a crime for anyone to destroy such records before expiration of the 22-month period. *Id.* See 42 U.S.C. § 1974.

In his response to Mr. Mangia’s submission, Mr. Buchanan asserts that the allegations involve matters relating solely to the “internal operations of the Reform Party of the United States of America, which are governed by its Constitution and other organizational documents, and not by the Act or the Fund Act.” See Attachment 3, at 1

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<sup>2</sup> The “Pat Buchanan supporter list” consisted of 500,000 names which were submitted to the Reform Party Nominating Committee for the purpose of participating in the Reform Party presidential primary. See Attachment 1, at 27.

and 2. Mr. Buchanan states that the Commission should not consider submissions “about the internal processes of the Reform Party leading up to the Convention or at the Convention, such as the seating of Convention delegates.” *Id.* at 5. Mr. Buchanan further contends that the Commission should look only to the results of the Reform Party Convention, and should not “entertain Mr. Mangia’s allegations of irregularity in the process under the Reform Party Rules.” *Id.* at 7. Moreover, Mr. Buchanan asserts that he and Ms. Foster were in fact nominated by the Reform Party Convention and that any statement to the contrary is false. Mr. Buchanan asserts that the representation that John Hagelin is the nominee for the Office of President of the United States for the Reform Party of the United States of America is invalid, “as it has absolutely no legal support, and is clearly a claim asserted without authorization from the official Reform Party of the United States of America.” *Id.* at 6. In addition, Mr. Buchanan asserts that Mr. Mangia’s behavior at the National Committee Meeting demonstrates a lack of “good faith” on the part of Mr. Mangia and Dr. Hagelin. *Id.* at 9. Accordingly, Mr. Buchanan requests that the Commission dismiss Mr. Mangia’s submission. *Id.* at 10.

### **III. COMMISSION DECISION**

#### **A. LEGAL FRAMEWORK**

The Fund Act provides that the eligible candidates of a minor party in a presidential election shall be entitled to pre-election funding. 26 U.S.C. § 9004(a)(2)(A). *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C. § 9004(a)(2), the amount of the minor party candidate’s entitlement is the proportionate amount of the funding available for major party general election candidates, based on the ratio of the total popular votes received by the minor party candidate in the preceding election compared to the average

of the total popular votes received by the major party candidates for President in that election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act provides that the Commission shall certify to the Secretary of the Treasury payment to eligible candidates in the full amount to which they are entitled not later than 10 days after they have met all applicable conditions for eligibility. 26 U.S.C § 9005(a). *See also* 11 C.F.R. § 9005.1(b).

The Fund Act defines “candidate” as an individual who has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or has “qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more states.” 26 U.S.C. § 9002(2).

The Commission’s regulations define “political party” as an “association, committee, or organization which nominates or selects an individual for election to any Federal office, including the office of President or Vice President of the United States, whose name appears on the general election ballot as the candidate of such association, committee, or organization.” 11 C.F.R. § 9002.15.

The Commission has on several occasions considered petitions to deny certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the Commission has acted to deny funds based on information obtained internally, without a petition from an interested party, or based on inadequacies detected in a candidate’s submission for matching funds. *See, e.g., Committee to Elect Lyndon LaRouche v. FEC*,

613 F.2d 834 (D.C. Cir. 1979) (“*CTEL*”); *LaRouche v. FEC*, 996 F.2d 1263 (D.C. Cir. 1993).

The Court of Appeals for the District of Columbia Circuit considered Commission action with respect to the matching fund certification process during the 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTCL*, 613 F.2d 834. In that case, the Commission denied Mr. LaRouche’s submission for matching funds because of irregularities uncovered during an audit of his threshold submission. The *CTEL* court stressed the importance of “prompt payments to eligible candidates” so that they “will have the money [they] need at a time when its availability is most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy favoring prompt payments to eligible candidates ... circumscribe[s] to a certain extent the scope of the Commission’s investigative role during the certification process.” *Id.* Nevertheless, the D.C. Circuit upheld the Commission’s action holding that the Commission may reject certification if a matching fund request: (1) was not properly documented to meet threshold requirements, and (2) contained “patent irregularities suggesting the possibility of fraud.” *Id.* at 842.

During the 1980 election cycle, the Commission received a petition from the Carter-Mondale Reelection Committee, Inc. asserting that presidential candidate Ronald Reagan and vice-presidential candidate George Bush were not eligible for public funding in the general election based on various newspaper accounts reporting that certain laws had been or would be violated by the candidates. While the petition was pending before the Commission, the Carter-Mondale Committee petitioned the D.C. Circuit to adjudicate the issue. Following the Commission’s certification of funds to the Reagan-Bush

campaign, the D.C. Circuit ruled that the petition filed with it was “premature on the statutory ground that it violates the FEC’s exclusive jurisdiction.” *In re Carter-Mondale*, 642 F.2d at 543. The court reiterated its position from the *CTEL* case that the Commission can investigate allegations concerning the certification of public funds when it “reasonably appears that a patent fraud or other major violation of law is being committed,” while also being cautious to avoid “overstep[ping] its authority by interfering unduly in the conduct of elections.” *Id.* at 544-45. The court also criticized the allegations made by the Carter-Mondale Committee as addressing future conduct and for being “highly speculative.” *Id.* at 543.<sup>3</sup>

During the 1992 election cycle, the Commission denied certification to Lyndon LaRouche and considered a petition to deny public funding to the Clinton/Gore ‘92 General Election Committee. The Commission’s denial of certification to Mr. LaRouche, which was based on his prior transactions with the Commission and his federal conviction on fraud charges, was overturned by the D.C. Circuit which ruled that the Commission was “not authorized to appraise candidates’ good faith, honesty, probity, or general reliability.” *LaRouche v. FEC*, 996 F.2d 1263, 1267 (D.C. Cir. 1993). The court noted that “any inquiry into the bonafides of candidates’ promises would take the Commission into highly subjective territory that would imperil the assurance of even-handed treatment.” *Id.*

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<sup>3</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of payment of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the

In the same election cycle, the Commission considered a petition filed by the Republican National Committee ("RNC") against the Clinton/Gore '92 campaign wherein the RNC alleged that the Clinton/Gore campaign impermissibly received funding from the Democratic National Committee through payments for a "town meeting." The Commission rejected the petition since it did not reasonably appear that patent fraud or violations occurred in the subject transaction which would require the withholding of payments. *See In re Carter-Mondale*, 642 F.2d at 544. The Commission noted that the underlying factual issues were in dispute, and that the appropriate forum to address the questions was the enforcement or audit context. *Statement of Reasons, Petition to Deny Certification of Matching Funds to Governor Bill Clinton*, approved June 25, 1992.

Further applying the standards articulated by the courts, the Commission rejected three requests to suspend or deny certification of public funds in the 1996 presidential election cycle. *See Statement of Reasons, Request to Deny Public Funds to H. Ross Perot and Perot '96*, approved October 17, 1996 (the Commission denied the request by Mr. Herb Rosenberg to deny certification of public funds to Mr. Perot's 1996 general election campaign); *Statement of Reasons, Petition to Deny Certification of Matching Funds to the Dole for President Committee*, approved August 8, 1996 (the Commission denied the request by the Democratic National Committee to suspend matching payments to the Dole for President Committee); *Statement of Reasons, Petition to Deny Certification of Matching Funds to the Clinton/Gore '96 Primary Committee, Inc.*, approved September 12, 1996 (the Commission denied the request by the Dole for

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Commission's decision to deny the RNC's petition to the stop certification of payments to Dukakis/Bentsen. *See Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

President Committee to suspend matching payments to the Clinton/Gore '96 Primary Committee).

The Presidential Election Campaign Fund Act makes it unlawful for any person to knowingly and willfully furnish false, fictitious, or fraudulent evidence or information to the Commission relevant to a certification by the Commission. 26 U.S.C.

§ 9012(d)(1)(A). The Fund Act provides for criminal penalties for any person who violates this provision. 26 U.S.C. § 9012(d)(2).

Under the Civil Rights Act of 1960, every officer of an election is required to “retain and preserve, for a period of twenty-two months all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election ....” 42 U.S.C. § 1974. The Civil Rights Act further provides that, “[a]ny officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.” *Id.*

## **B. DISCUSSION**

The Commission has rejected Mr. Mangia’s request to deny certification of Patrick J. Buchanan and Ezola Foster for public funding for the 2000 general election. The allegations made against Mr. Buchanan and Ms. Foster do not satisfy the substantial burden that must be met to withhold certification of public funds. While not purely ministerial, the Commission’s review of public funding applications is limited to determining whether the applications adequately comply with the eligibility requirements set forth in the Fund Act. The Fund Act obligates the Commission to make an initial determination within 10 days of the candidate’s meeting all applicable conditions for

eligibility. 26 U.S.C. § 9005. Absent patent irregularities suggesting the possibility of fraud, the Commission is precluded from withholding funds from a candidate “once the objective criteria for eligibility are met, because of the important constitutional free speech considerations inherent in public campaign financing.” *In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538, 544 (D.C. Cir. 1980). To justify withholding funding, the Commission should have a reasonable belief that patent fraud or another major violation has occurred. *See LaRouche*, 996 F.2d at 1267. The Commission should also avoid basing its findings on speculative allegations and should favor a policy that allows for prompt payments of public funds, even if it must forgo a thorough investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does not possess evidence that Mr. Buchanan’s application for public funds contains patent irregularities or the possibility of fraud.

Moreover, Mr. Mangia’s allegations primarily relate to the Reform Party’s internal rules and procedures. The Fund Act’s definition of “candidate” explicitly requires the Commission to rely on the states’ determinations of who appears on the general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R. § 9002.2(a)(2). The Commission should not entangle itself in the complexities of party rules or procedures as the Fund Act does not define eligibility in terms of a political party’s actions. Thus, the Commission should not substitute its own judgment for that of a state with regard to who should appear on a state ballot as a party nominee. *See* Statement of Reasons, *Request to Deny Funds to H. Ross Perot and Perot '96*, approved October 17, 1996. Similarly, Mr. Mangia’s submission relates to events of competing factions of the Reform Party and raises questions regarding which faction is the “true”

Reform Party. However, the Commission's regulations indicate that a "political party" is an association that nominates or selects an individual for federal office whose name appears on the general election ballot as the candidate for that association. *See* 11 C.F.R. § 9002.15. As Mr. Buchanan and Ms. Foster have submitted documentation demonstrating that they have qualified to appear on numerous general election ballots as Reform Party candidates, they meet the Fund Act's definition of "candidate," and the Reform Party, under whose designation they run, meets the definition of "political party." *See also* Advisory Opinion 1998-2 (The Commission has recognized the Reform Party as a political party).

Finally, Mr. Mangia alleges violations of the criminal provisions of the Fund Act and the Civil Rights Act of 1960. While the Commission has exclusive jurisdiction for the civil enforcement of the Fund Act, the Department of Justice is charged with prosecuting violations of the Civil Rights Act of 1960. Such violations are not relevant to certification decisions under the Fund Act. Rather, they are more appropriately considered in the context of an enforcement matter, audit, or similar investigation.

Therefore, consistent with past Commission practice and judicial precedent, the Commission rejects the request by James Mangia to withhold certification of public funds to Mr. Buchanan and Ms. Foster.

#### **IV. COMMISSION DETERMINATION**

For the foregoing reasons, the Commission has denied the request of Mr. James Mangia to deny certification of public funds for the 2000 general election to Mr. Patrick J. Buchanan and Ms. Ezola Foster.

Attachments

1. Mr. James Mangia's Submission Requesting that the Commission Deny Certification of Public Funds to Patrick Buchanan and Ezola Foster, dated August 10, 2000.
2. Supplement to Mr. James Mangia's Submission, dated August 29, 2000.
3. Mr. Patrick J. Buchanan's Response, dated September 5, 2000.

**Attachment 1**

FEDERAL ELECTION COMMISSION

JAMES MANGIA,

VS.

PATRICK J. BUCHANAN, BUCHANAN FOR  
PRESIDENT CAMPAIGN COMMITTEE, A/K/A  
BUCHANAN REFORM, ANGELA BAY  
BUCHANAN, AND GERALD M. MOAN,

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

I

INTRODUCTION

I am the former National Secretary of the Reform Party of the United States of America and the present interim National Party Chair of the Reform Party of the United States of America. I have filed this individually, and in my capacity as interim National Party Chair of the Reform Party of the United States of America. This is made because it is believed that Patrick J. Buchanan, Buchanan For President Campaign Committee, a/k/a Buchanan Reform, Angela Bay

Buchanan, and Gerald M. Moan, have violated and/or are preparing to violate federal election campaign funding laws, over which the Federal Election Commission (the "FEC") has jurisdiction.

has both personal knowledge, and knowledge based upon information and belief, that the Respondents have given and/or are prepared to give false statements to the FEC, in connection with the FEC's certification of the Reform Party of the United States of America's (the "Reform Party") nominee for the Office of the President of the United States. This is also supported by and based upon the Hagejin 2000 Campaign's Letter of Appeal, which is attached hereto as Exhibit "A," and incorporated herein for all purposes, as part of and

## II.

### BACKGROUND

I was a founding member of the Reform Party USA and have been the National Secretary since the Reform Party was formed in October 1995, and continued in this office until August 8, 2000, at which time I was elected National Party Chair by the National Committee of the Reform Party.

As National Secretary my responsibilities under the Constitution of the Reform Party USA is to have custody of all records and rules adopted by the party; attend all meetings and record the proceedings of such meetings, including the action taken at meetings of the Executive Committee, the National Committee and the National Convention, and perform other duties as may be assigned by the Executive Committee of the Party.<sup>1</sup> Under the Constitution I am also an ex officio member of the Executive Committee. The Constitution provides that the Executive Committee shall conduct

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<sup>1</sup>See Exhibit "H".

the day to day business and affairs of the Reform Party, between meetings of the National Committee and, among other functions, take all actions necessary or appropriate to carry out the provisions of the Constitution and prescribe proper directives and actions for the National Officers. (Constitution Art. 5, section 1; Art. 8, section 8).<sup>2</sup>

In 1995, I was the California leader of the Patriot Party and was asked by Russ Verney to help the Reform Party get ballot access in California. Ross Perot had just announced his presidential candidacy and intention to form a third party, and was engaged in the registration drive to get on the ballot. I convinced 8,500 Patriot Party members to re-register as Reform Party members, and collected an additional 4,500 signatures to complete the ballot access requirements, getting the Reform Party on the ballot in California.

As a result of this, I was made secretary for the California Reform Party in 1995. In January 1997, at the national Reform Party's founding meeting at the Nashville convention, was elected interim secretary of the Reform Party USA. I have been re-elected twice for two year terms, first at the Founding Convention in Kansas City in November 1997, and again in Dearborn, Michigan in July 1999.

In the fall of 1999, Respondent Patrick J. Buchanan publicly announced his Reform Party candidacy at a press conference.

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<sup>2</sup>See Exhibit "H".

## III.

Respondents have knowingly and willfully submitted and/or are preparing to knowingly and willfully submit false, fictitious and fraudulent information to the FEC, in violation of Federal Campaign Funding Law.

On February 12, 2000, at the Nashville, Tennessee Reform Party convention, as per the duties of National Security, I presided over credentialing of the National Committee members.

On July 5, 2000, the ballot request process for the Reform Party Presidential Nomination national primary began. The primary ballot listed John Hagelin and Pat Buchanan as the only two candidates.

Under rules adopted at the 1999 Reform Party Convention, this process enabled three categories of voters to receive ballots and vote in the primary: 1) Registered Reform Party members; 2) Registered voters who signed petitions to get the candidate on the state ballots; and 3) Registered voters who specifically presented to the candidates signed, written requests to receive a ballot.<sup>3</sup>

On or about June 27, 2000, Respondents Patrick J. Buchanan, Buchanan For President Campaign Committee, a/k/a Buchanan Reform, and Angela Bay Buchanan, submitted a list of approximately 500,000 names, known as the "Pat Buchanan Supporter List," to the Chairman of the

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<sup>3</sup>A copy of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States, which were approved at the Reform Party's Atlanta, Georgia Convention, September 25-27, 1998, and revised at the Reform Party's Dearborn, Michigan Convention, July 23, 1999, is attached hereto as Exhibit "B".

Reform Party Nominating Committee.<sup>4</sup> The stated purpose for supplying this list of names was "solely and exclusively" for its use in the Reform Party primary balloting process.<sup>5</sup>

By mid-July, I began to get information that there may be some impropriety in the ballot request process.<sup>6</sup> I started to get phone calls and e-mails from people asking why they got ballots without requesting them. I contacted many of those people directly, and have statements from many of them stating that they never requested ballots, but received them nonetheless.<sup>7</sup>

On July 29, 2000, Maureen McKenzie, a California Republican Party leader, told a television panel in which she and I were members, that she received a Reform Party ballot in the mail, but had not requested it and had never had any contact with the Reform Party. Ms. McKenzie told me that she did recall, however, that she had attended a Buchanan Republican fund-raising barbeque and her name and address would have been on that list.

Based upon this information, and similar information gathered by others of improper ballot request submissions, the Executive Committee and Presidential Nominations Committee (the "PNC") ordered the candidates to submit to a verification that their ballot request submission complied with the Reform Party rules.<sup>8</sup> John Hagelin's campaign fully complied with this request. Respondents Patrick J. Buchanan, Buchanan For President Campaign Committee, a/k/a Buchanan

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<sup>4</sup>See a true and correct copy of the letter from Respondent Angela Bay Buchanan to Michael Farris, Chairman of the Reform Party Nominating Committee, dated June 26, 2000, attached hereto as Exhibit "C".

<sup>5</sup>See Exhibit "C".

<sup>6</sup>See Exhibit "A".

<sup>7</sup>See Declarations of Thomas Ross and Darin Scneider, attached hereto as Exhibits "D" and "E".

<sup>8</sup>See Exhibit "A," Exhibit "G," and Exhibit "I".

Reform, and Angela Bay Buchanan, refused to cooperate with the PNC, and obstructed the duly constituted authority of the Reform Party in not recognizing the PNC's authority to conduct an audit or to create a subcommittee.

The right of the PNC to conduct and audit is provided for in Section II-(2) of the Rules which states: ". . . the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential elections year in accordance with these rules. The PNC shall have the authority to establish regulations and take such actions as are necessary to implement these rules."<sup>9</sup> The authority to form a sub-committee is provided for in Article VII Section 1 b of the Constitution which states: "Sub-Committees to any existing Committees may be established for specific purposes by the parent Committee Chair."<sup>10</sup>

Respondents Patrick J. Buchanan, Buchanan For President Campaign Committee, a/k/a Buchanan Reform, and Angela Bay Buchanan, did not comply with the PNC requirement that they produce identical copies of their list for purposes of verification. The letter from the PNC to the Respondents, as well as to the Hagelin 2000 Campaign, stated that "failure to comply with the directives of the Committee in this matter may be interpreted the Committee as acknowledgment that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary."<sup>11</sup>

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<sup>9</sup>See Exhibit "B".

<sup>10</sup>See Exhibit "H".

<sup>11</sup>See Exhibit "I".

On July 29, 2000 the Executive Committee voted 7 to 0, with three members absent, to disqualify Respondent Patrick J. Buchanan from the primary vote because of his refusal to allow the party to verify his ballot request submissions.<sup>12</sup>

The National Convention for the year 2000 had been called for August 10, 2000 in Long Beach, California. A National Committee meeting had been called for the end of the Convention. Notice of these meetings were sent out many months prior to the meeting date. In July the Executive Committee received requests from in excess of 25% of the members of the National Committee to call a meeting of the National Committee for August 8, 2000. The Executive Committee expressed grave concern that this quickly scheduled meeting would inconvenience many National Committee members because they had already made travel arrangements to attend the post convention meeting. Nevertheless, under the Constitution, 25% of the National Committee members may call a meeting and thus the Executive Committee sent out meeting notices for the August 8, 2000 meeting in Long Beach, California.

On January 18, 2000 the Executive Committee passed a resolution stating that under the Reform Party Constitution the credentialing/registering of delegates to the Executive Committee of the Reform Party was the sole responsibility of the Party's National Secretary. Gerry Moan, the acting Party Chair, voted in support of that resolution at that meeting.

Prior to the August 8, 2000 National Committee meeting the Executive Committee learned that it would not be able to rent a room in the Westin Hotel for the meeting because, upon information and belief, Pat Buchanan's campaign had contracted for a meeting room and stipulated in the contract that the Hotel could not rent rooms for political purposes without the Buchanan

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<sup>12</sup>See Minutes and Resolutions of the Executive Committee Meeting, July 29, 2000, attached hereto as Exhibit "J".

campaign's consent. The Executive Committee sought to have control of the room transferred to the Reform Party but the transfer was refused by the Buchanan campaign.

At the August, 2000 National Committee meeting I was present in my capacity as National Secretary and was prepared to present a report on the credentialing of National Committee members. In the four prior meetings of the National Committee the standard practice was for me to present the list of unchallenged committee members and challenged committee members. In those meetings, the procedure was for the unchallenged committee members to vote on the resolution of challenged members. Challenged members did not vote until they were seated.

The atmosphere in the meeting room at the Westin Hotel on August 8th was chaotic and tense. There was only one microphone. The seats around the microphone were occupied by men who would continually stand up and take the mike ahead of anyone else approaching the microphone from another part of the room. No press or the public were allowed in the room by Respondent Gerald M. Moan and his security forces in spite of a prior Executive Committee resolution authorizing the presence of press and the public. All prior meetings of the National Committee had been opened to the press and public.

A parliamentarian had been retained by me to make rulings on parliamentary issues. She was a professional parliamentarian and a member of the National Association of Parliamentarians.

Respondent Gerald M. Moan, the Vice Chair, presided over the meeting. The former National Chair had resigned months prior to this meeting and Mr. Moan acted as Chair in his capacity as Vice Chair. Under the Constitution the National Committee members consists of three

representatives from each recognized state Reform Party, chosen according to the state party's rules, and the members of the Executive Committee.<sup>13</sup>

Respondent Gerald M. Moan first tried to limit the National Committee members to those who had been selected by the state reform parties prior to August 1, 2000. There is no deadline for the state parties to select National Committee members in the Constitution, and none had ever been imposed before in prior National Committee meetings. The parliamentarian ruled that under the Constitution it was not proper to prevent the seating of members to the National Committee because their names were submitted by state parties after August 1, 2000. Respondent Gerald M. Moan said that the parliamentarian's opinion was not binding on him and refused to follow it. The people in the room, which contained all the challenged National Committee members and unchallenged members and the Executive Committee, protested the chair's failure to follow the parliamentarian's ruling, but improperly were ruled out of order by the chair.

I then reported to the people in the room all of the people who claimed seats as National Committee members. I made this report alphabetically by state and reported which states had no challenges to the National Committee members and which states had challenges. At the end of the report there were 40 state representative National Committee members who were unchallenged plus Executive Committee members present and unchallenged. All the other state representatives were challenged.

After reading the list, a person on the floor raised the issue of whether a quorum existed. In prior National Committee meetings the number of challenged members was never greater than one half of the total potential members present. Thus, the parliamentarian was consulted and she ruled

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<sup>13</sup>See Exhibit "H".

that under the Constitution a quorum consisted of a majority of non-contested members of the National Committee (Const. Art. 4, section 7).<sup>14</sup> Respondent Gerald M. Moan accepted this ruling, but then over protest from the floor, allowed all people present in the room to vote, most of whom were contested and not yet credentialed. The Parliamentarian voiced opposition to this action and Respondent Gerald M. Moan refused to adhere to her decision. Respondent Gerald M. Moan asked for all people who agreed with his ruling to rise from their seats. He then declared that people on the floor had approved his decision.

The next issue presented was how to vote on the challenges to the members. Again the parliamentarian was consulted, and she ruled that only unchallenged committee members could vote on the seating of challenged members. When I announced her ruling there was an outcry from some people present. Respondent Gerald M. Moan again stated he would not follow the parliamentarian's ruling and asked for people to rise in support of his decision to allow challenged members to vote on other challenged states.

In all prior National Committee and National Convention meetings the procedure followed was that only unchallenged members voted on the seating of challenged members.

It was clear that the meeting was not going to be conducted by Respondent Gerald M. Moan under the rules of our Constitution, and therefore I instructed the properly constituted members of the National Committee (*i.e.*, the unchallenged members) to leave the room and convene elsewhere. I was physically assaulted as I tried to leave the room and others who left reported to me that they were physically assaulted at that time. This relocation of the National Committee Meeting to the Renaissance Hotel was ratified by a vote of the National Committee at the new location.

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<sup>14</sup>See Exhibit "H".

Upon reconvening in an alternate location at the Renaissance Hotel, Long Beach, California, the number of uncontested National Committee members was 22. This was sufficient for a quorum for the National Committee meeting to begin and also signified that the previous meeting at the Westin Hotel, Long Beach, California, was now operating without a quorum.

The properly constituted meeting at the Renaissance Hotel took up the issue of settling challenges to the seating of members from other states, with only unchallenged members voting. Once a challenged member was seated they then voted with the unchallenged members. At the end of this process the membership totaled 89 members. This is more than one half of the total possible membership of the National Committee.

I was then elected interim National Party Chair to fill the vacancy left by the prior resignation of the National Chair. Article 8, Section 7 of the Constitution authorizes the National Committee to temporarily fill vacancies until the National Convention fills the vacancy.<sup>15</sup> The National Committee also elected an interim National Secretary, Dror Bar-Sadeh.

The National Committee then properly passed resolutions affirming the disqualification of Patrick Buchanan for failing to permit the verification of his primary ballot submissions; affirmed the Executive Committee decisions concerning the credentialing committee for credential delegates to the August 10, 2000 National Convention, with Dot Drew as chair, and ratified all Executive Committee decisions for the prior two months.

The effects of the above facts on the Reform Party nomination process are clear. Only delegates credentialed by the credentialing committee chaired by Dot Drew can legitimately participate in the Reform Party 2000 National Convention. Furthermore, unless that properly

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<sup>15</sup>See Exhibit "H".

constituted Convention overrules the disqualification of Pat Buchanan, John Hagelin remains the only legitimate candidate for the Reform Party Presidential Nomination through the primary process, which is required by the resolution of the 1999 Convention and cannot be changed during the presidential election year, *i.e.*, in 2000.<sup>16</sup>

Any attempt by attendees of a Convention credentialed by a committee other than the Dot Drew-Chaired Committee will be illegal under the Reform Party Constitution. Pat Buchanan has publicly announced that he will not participate in the Dot Drew credentialing committee and the National Convention arising out of that process. Thus, any certification of Mr. Buchanan as a Presidential Candidate of the Reform Party by any other convention will be an illegal certification since it will not be a certification of the Reform Party. Such Reform Party certification can only be made on the basis of action taken at the Convention held by delegates credentialed by the Committee Chaired by Dot Drew.

Upon information and belief, it is anticipated that Respondents will attempt to override the directives and resolutions by the PNC and the Executive Committee and the proper and lawfully constituted Reform Party of the United States of America, now that Respondents have control of a rogue faction, claiming to be the Reform Party of The United States of America. Specifically, it is anticipated that Respondents will either abolish the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States, which is expressly prohibited in a presidential election year,<sup>17</sup> and conduct an invalid floor vote at an illegal convention, or Respondents will utilize the invalid and improper ballots to purportedly win the Reform Party

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<sup>16</sup>See Exhibit "B".

<sup>17</sup>See Exhibit "B," Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States, Section I-(2)(c).

Primary, and thereby wrongfully and fraudulently attempt to become the purported Reform Party Nominee for the Office of the President of the United States. Upon information and belief, these actions by Respondents, including Patrick J. Buchanan purporting to claim to be the Reform Party Nominee, constitute balloting and voter fraud. Moreover, upon information and belief, any representation to the FEC by Respondent Patrick J. Buchanan, or Respondent Gerald M. Moan, or any of the Respondents, that Patrick J. Buchanan is the valid and lawful Reform Party Nominee for the Office of the President of the United States, constitutes a false, fictitious, and fraudulent representation to the FEC, in violation of 26 U.S.C. 9012(d)(1).

#### IV.

**The Respondents have attempted to conceal their fraudulent actions by entering into a secret agreement which violates Federal Election law.**

On or about June 26, 2000, in a letter to the Chairman of the Reform Party Nominating Committee,<sup>18</sup> Respondent Angela Bay Buchanan, demanded that the Reform Party enter into a secret agreement to keep the names listed on the "Pat Buchanan Supporter List" secret, and that the names were to be used "solely and exclusively" for the Reform Party primary. Federal election laws make it a criminal offense for the administrators of a presidential primary election to fail to retain the records of the primary for a period of 22 months. It is a further crime for anyone to destroy such records before the expiration of the period. Upon information and belief, Respondents have attempted to cause a violation of the requirements of 42 U.S.C. 1974.

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<sup>18</sup>See a true and correct copy of the letter from Respondent Angela Bay Buchanan to Michael Farris, Chairman of the Reform Party Nominating Committee, dated June 26, 2000, attached hereto as Exhibit "C".

**CONCLUSION**

Complainant represents to the FEC that he is the only lawful interim National Party Chair of the Reform Party of the United States of America, and that the only lawful nominee for the Office of the President of the United States for the Reform Party of the United States of America is John Hagelin. Complainant further represents to the FEC that any representation by any of Respondents that Patrick J. Buchanan is the valid and lawful nominee for the Office of the President of the United States for the Reform Party of the United States of America, is false, fictitious, and fraudulent.

Complainant further requests that until such investigation has been completed, that the FEC withhold making its decision regarding certification of the Reform Party nominee for the Office of the President of the United States.

Respectfully submitted,

  
James Mangia

Counsel

David J. White  
State Bar No. 21294500  
Burton D. Brillhart  
State Bar No. 00797863  
GODWIN WHITE & GRUBER, P.C.  
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3. This secret agreement violates Federal Election law, which makes it a criminal offense for the administrators of a presidential primary election to not retain the records of the primary for a period of 21 months. It also makes it a crime for anyone to destroy such records before the expiration of the period. The private nature of the agreement and the fact that the Buchanan campaign did not bring this matter before any of the appropriate Committees shows intent on the part of the Buchanan campaign to violate this law.
4. The imposition of an illegal condition on the provision of their lists for ballot mailing prima facie invalidates the submission.
5. The Buchanan campaign failed to comply with the Executive Committee and Presidential Nominations Committee resolutions calling for an audit. Specifically, the campaign did not comply with the PNC requirement that they produce identical copies of their list and to provide backup materials by 5:00 pm Monday eastern time July 24, 2000. The letter from the Committee to the campaigns stated that "failure to comply with the directives of the Committee in this matter may be interpreted the Committee as acknowledgement that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary."
6. The Buchanan campaign obstructed the duly constituted authority of the Reform Party in not recognizing and cooperating with the Presidential Nominations Committee's authority to conduct such an audit or to create a subcommittee, despite the fact that the resolution passed by the PNC specifically cited the Committee's authority on both of these issues. The right of the PNC to conduct an audit is provided for in Section II (2) of the Rules which states: "... the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential elections year in accordance with these rules. The PNC shall have the authority to establish regulations and take such actions as are necessary to implement these rules." The authority to form a sub-committee is provided for in Article VII Section 1 b of the Constitution which states: "Sub-Committees to any existing Committees may be established for specific purposes by the parent Committee Chair." As such any claim that the PNC does not have the authority to conduct an audit is entirely without foundation. The ability to regulate the process in accordance with the rules obviously allows the committee to ensure compliance with the rules.

### Appeal

We hereby request in this appeal that the Executive Committee reverse the decisions of the Presidential Nominations Committee as they relate to the

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resolutions below. Each of the points raised above, in and of itself, is sufficient to justify the reversal's of the following:

- 1) Resolution #1 introduced by Harry Kresky on July 28, 2000 calling for Buchanan's disqualification from the Reform Party nomination. This resolution was defeated 4 to 1.
- 2) Resolution #2 introduced by Mic Farris on July 28, 2000 calling for the Buchanan campaign to submit a sworn statement of the sources of their lists and to furnish the committee with backup materials. This resolution was defeated 2 to 3.
- 3) Amendment #1 introduced by Harry Kresky calling for e-ballot to not count any vote from persons who received a ballot solely as a result of being on Buchanan's list. This amendment was defeated 4 to 1.
- 4) Resolution of the PNC on or around July 1, 2000 qualifying Pat Buchanan for the Reform Party Primary ballot.

The minutes from the meeting with the exact resolutions follow.

Additional Points for Consideration

The Hagelin campaign wishes to strongly protest the participation of Gerry Moan and Tom McLaughlin in the PNC meeting of July 28, 2000. Having failed to participate in all prior meetings, their sudden participation in this meeting for the purpose of blocking the audit process is a clearly political and partisan act, which may seem to indicate an intent to join in the obstructionist tactics of the Buchanan campaign and to prevent the party from protecting the integrity of the Primary process.

We respectfully request that you consider this appeal today in the Executive Committee meeting called for 2:00 pm central time in Dallas. In addition to the remedies we requested above, we ask that the Executive Committee provide any additional remedies it considers appropriate.

Sincerely,

  
 Nadine Padawer  
 Co-Campaign Manager

  
 Kingsley Brooks  
 Co-Campaign Manager

Cc: Nat Goldhaber  
 Leonard Goldman  
 John Hagelin  
 Bob Roth  
 Tom Stanley

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Minutes of Presidential Nominations Committee meeting, July 28, 2000

Meeting called to order at 6:40 PM Pacific.

Michael Farris, Harry Kresky, Dave Goldman in attendance.  
Tom McLaughlin and Gerry Moan in attendance (ex-officio members of PNC)

Significant discussion regarding list submissions.

Kresky motion (below as Resolution #1) - Motion fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Farris motion (below as Resolution #2)

Kresky amendment to Farris motion (below as Amendment #A): Amendment fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Vote on Farris motion: Motion fails, 2-3 (Goldman, Moan, McLaughlin opposed)

As a result, no actions were taken by the Committee.

Meeting adjourned at 8:35 PM Pacific.

(Resolution #1 - BEGIN)

**BACKGROUND**

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

**AUTHORITY**

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that: "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules."

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Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

#### SCOPE OF SUBCOMMITTEES CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

#### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padawer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

In light of the above and in light of:

- (1) the failure of the Buchanan campaign to deny the charge that the list of over 400,000 it submitted to receive primary ballots consisted in whole or substantial part of the candidate's contributors and supporters who did not take the steps necessary to qualify as voters in the Reform Party presidential primary,
- (2) the existence of evidence that submission of the non-complying list was done knowingly and in a manner which suggests an attempt to conceal its true

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nature, and

(3) the Buchanan campaign's manifest lack of respect for the integrity and authority of the RPUSA, its rules and its official bodies,

the appropriate remedy is that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

#### DIRECTIVES

Based on the above background, authority and findings, the Committee hereby directs that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

The Committee further directs that the work of the Subcommittee is suspended until such time as the Committee receives specific and credible charges concerning the validity of the list submitted by any other candidate for the for the RRUSA presidential nomination.

(Resolution #1 - END)

(Resolution #2 - BEGIN)

July 28, 2000

#### BACKGROUND

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

#### AUTHORITY

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that: "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules."

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Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

#### SCOPE OF SUBCOMMITTEE'S CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

#### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padawer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

The Subcommittee met via teleconference on July 26, 2000, with no results or actions.

#### FINDINGS OF THE COMMITTEE BASED UPON SUBCOMMITTEE ACTIVITIES

It is determined that the Hagelin campaign has sufficiently complied thus far with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Hagelin campaign.

It is determined that the Buchanan campaign has not sufficiently complied

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with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Buchanan campaign. This is evidenced by the letter from the Buchanan campaign dated July 24, 2000, the refusal to produce identical copies of the lists submitted to the Committee, and the refusal to produce sufficient backup material, specifically in the form of signed petitions, for purposes of review and verification of the submitted list.

It is determined that the Buchanan campaign has shown and continues to show contempt for the regulatory authority of the Committee. This contempt is interpreted by the Committee as acknowledgement that the submitted list from the Buchanan campaign is not in compliance with the Rules as specifically stated in Section III-(4) of the Rules.

#### DIRECTIVES

Based upon the above background, authority, and findings, the Committee hereby directs the Buchanan campaign to provide to the Committee an affidavit stating the complete list of sources, including approximate numbers from differing sources, for the names that were contained in the list submitted to the Committee.

The Committee further directs that, upon demand of the Committee, the Buchanan campaign submit the materials necessary for a fair, impartial audit conducted under professional standards in order for the Subcommittee to complete the review and verification of the list submitted to the Committee by the Buchanan campaign.

(Resolution #2 - END)

(Amendment #A - BEGIN)

(Substitute for DIRECTIVES)

In light of the above, the Committee shall take such steps as are necessary so that persons who were sent ballots solely as a result of their names being on the list submitted by the Buchanan campaign shall not have their votes counted.

(Amendment #A - END)

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### DECLARATION

I, Thomas Ross, am a registered Republican in the state of California.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (4445 "B" Street, Sacramento, CA. 95819) and delivered by the United States Postal Service to said address.
2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party.
3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the Internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or Pat Buchanan.
4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 23rd day of July, 2000

At Sacramento, CA

Signed Thomas Ross

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### DECLARATION

I, **Darin Schneider**, am a registered Republican in the state of Iowa.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (1501 Grand Avenue, Frametsburg, Iowa, 50536) and delivered by the United States Postal Service to said address.
2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party
3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or Pat Buchanan.
4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 29<sup>th</sup> day of July, 2000

At Emmetsburg, Iowa 12:15 PM

Signed Darin W. Schneider

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# Evidence of Massive Election Fraud by Pat Buchanan

IN 10 STATES WHERE THERE WAS NO BALLOT ACCESS PETITIONING

Ballot Requests by State	Total List	National List	State List	Hagelin List	Buchanan List
CALIFORNIA	191,792	30,406	80,000	3,064	78,322
COLORADO	13,254	4,331	810	651	7,462
CONNECTICUT	9,482	3,283	1,523	208	5,991
FLORIDA	51,686	18,207	856	1,799	30,824
IOWA	41,295	1,459	1,221	533	39,303
KENTUCKY	11,329	2,292	6,508	258	2,271
MICHIGAN	28,062	8,903	3,900	626	14,633
NEW HAMPSHIRE	24,697	937	3,500	110	20,150
NEW JERSEY	18,070	5,044	400	400	12,226
NEW YORK	215,336	7,597	155,087	1,520	51,132
<b>TOTAL</b>	<b>605,003</b>	<b>82,459</b>	<b>253,805</b>	<b>9,169</b>	<b>262,314</b>

Source: Reform Party National and State Leaders

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JUL 25 00 05:20P

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P.02

# Buchanan Reform

June 26, 2000

Mr. Michael Farris  
Chairman, Nominating Committee  
Reform Party USA  
3217 Peppercorn St.  
Newbury Park, CA 91320

Dear Micie:

Tomorrow (June 27, 2000), our campaign will send you (overnight) the Pat Buchanan Supporter list, consisting of over 500,000 names, on a CD, for the purpose of mailing each of these individuals a Reform Party presidential primary ballot.

Prior to sending this list, I would like to establish the following points with you regarding the use of the list. I ask that you signal your agreement to these points with your signature in the designated space below.

- 1) We are sending these names to you solely and exclusively for the purpose of receiving Reform Party USA presidential primary ballots.
- 2) We specifically request that you instruct the vendor conducting the primary that these names and addresses are to be returned to our campaign once the ballots have been printed and mailed.
- 3) We further request that you instruct all parties involved with the primary that these names are the sole and exclusive property of Buchanan Reform; that they are not to be used for any other purpose; that they are not to be retained by any party involved with the primary; that they are not to be used to create a new database, nor added to any pre-existing databases, including those of the Reform Party USA and state Reform Party organizations; that they will not be rented, sold or given to any third party whatsoever.

Should any violation of the above restrictions on the use of this list occur, we will take vigorous and immediate legal action to seek redress and protect our rights.

8236 Old Courthouse Road, Suite 200 • Vienna, VA 22182-9816

EQ: 703-734-3700 • Fax: 703-734-3703

1-800-GO-PATCO • Website: www.buchananreform.com • Email: tq@buchananreform.com

ATTACHMENT 1

Page 27 of 69

JUL-29-2000 SAT 01:17 PM

FAX NO.

JUL 29 00 01:59p

HAGELIN 2000

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JUL-25-00 11:45  
JUL 22 00 05:20p

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MIO and Stephanie Ferris

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935-780-0711

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P. 14

P. 14

P. 03

Page 100  
Mr. Michael Ferris  
June 26, 2000

Thank you for your assistance in this matter. Please fax this letter back to me at 703/734-2705 when you have signed below, and then please return the signed original back to me at our campaign headquarters by mail.

Sincerely,

Ray Buchanan

I agree to all the terms set forward in the above letter from Ray Buchanan regarding the use of the Buchanan Reform candidate list.

Michael Ferris, Chairman, Nominating Committee, Reform Party USA

6/26/00  
Date

TOTAL P. 03





JUL-29-2000 SAT 01:18 PM

FAX NO.

JUL 29 00 02:00p

HAGELIN 2000

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L.GOLDMAN

PAGE 01

P. 17

**UNITED STATES CODE ANNOTATED  
TITLE 42. THE PUBLIC HEALTH AND WELFARE  
CHAPTER 20 - ELECTIVE FRANCHISE**

**SUBCHAPTER II - FEDERAL ELECTION RECORDS** Copr. © West Group 2000. No claim to orig. U.S. Govt. Works

Current through P.L. 106-180, approved 3-17-2000

**§ 1974c. Disclosure of records or papers**

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**CREDIT(S)**

1964 Main Volume

(Pub.L. 86-449, Title III, § 304, May 6, 1960, 74 Stat. 88.)

**General Materials (GM) - References, Annotations, or Tables**

**HISTORICAL AND STATUTORY NOTES**

**Revision Notes and Legislative Reports**

1960 Acts, Senate Report No. 1205 and House Report No. 956, see 1960 U.S. Code Cong. and Adm. News, p. 1925.

**LIBRARY REFERENCES**

**American Digest System**

Access to public records and documents generally, see Records § 30 et seq.

**Encyclopedias**

Access to public records and documents generally, see C.J.S. Records, § 60 et seq.  
**26 Am Jur 2d Elections § 93**

**Texts and Treatises**

10A Fed Proc L Ed, Elections and Elective Franchise § 28:12.

Elections and Elective Franchise, Fed Proc, L Ed § 28:10.

Evidence, Fed Proc, L Ed § 33:215.

Evidence, Fed Proc, L Ed § 33:341.

42 U.S.C.A. § 1974c

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FAX NO.

JUL 29 00 02:00P

HAGELIN 2000

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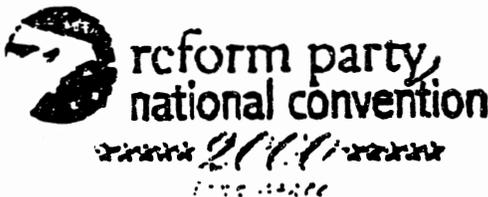
P. 18

JUL 19 00 08:44P

Mic and Stephanie Farris

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P. 1



July 19, 2000

Kingsley Brooks  
Hagelin 2000  
P.O. Box 1900  
Fairfield, IA 52556

Dear Kingsley,

This letter is to inform you that the Presidential Nominations Committee has established a Primary List Subcommittee. The charter of the Primary List Submission Subcommittee shall be to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

The Primary List Subcommittee shall be comprised of four members: One representative from the Buchanan campaign, one representative from the Hagelin campaign, and two representatives from the Committee, specifically Harry Kresky and Dave Goldman.

In order for the Primary List Subcommittee to review and verify the submitted lists, each campaign is directed by the Committee to produce identical copies of the lists submitted to the Committee for inclusion in the Primary to the Primary List Subcommittee for purposes of review and verification. Additionally, each campaign is directed by the Committee to produce sufficient backup material, specifically in the form of signed petitions, to the Primary List Subcommittee for purposes of review and verification.

Failure to comply with the directives of the Committee in this matter may be interpreted by the Committee as acknowledgement that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary.

Your response in this matter is of the utmost urgency, given the short timeframes from now until the Reform Party National Convention. Please contact Harry Kresky (212-581-1826) or Dave Goldman (941-954-1234) at your earliest convenience in order to coordinate your representative's participation in the Subcommittee's activities and to remit the required material. The minutes of the Presidential Nominations Committee meeting establishing the Subcommittee is attached.

The Committee looks forward to your cooperation in this matter.

Sincerely,

Michael Farris  
Chair, Reform Party Presidential Nominations Committee  
RPUSA

JUL-29-2000 SAT 01:20 PM

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JUL 29 00 02:01P

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P.20

JUL 26 00 16:11 OFFICES

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P.02

# Buchanan Reform



July 26, 2000

Mr. Harry Kresky  
250 W. 57th Street  
New York, NY 10107

Dear Mr. Kresky:

Although under protest, we are naming Mr. Phil Alexander to represent Buchanan Reform on the Subcommittee being formed.

Sincerely,

  
Angela M. Buchanan

## Section II. Authorized Committees

- (1) Not later than July 1 of the year immediately preceding the presidential election year, the Executive Committee shall establish a Convention Committee to oversee the functions relating to the meeting of the National Convention in the presidential election year. The activities and decisions of the Convention Committee shall be reported to the Executive Committee.
- (2) Not later than July 1 of the year immediately preceding the presidential election year, the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential election year in accordance with these rules. The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules. The activities and decisions of the Presidential Nominations Committee shall be reported to the Executive Committee. Changes in the membership and size of the Presidential Nominations Committee shall be by unanimous vote of the Presidential Nominations Committee.
- (3) The officers of the Party shall be ex-officio members of the Convention Committee and the Presidential Nominations Committee.
- (4) The Convention Committee and the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate.
- (5) No individual may serve as a member of the Convention Committee or the Presidential Nominations Committee who publicly supports or opposes any individual or candidate for the nomination of the Party for President or Vice-President of the United States.

## Section III. Qualifying for the Reform Party Presidential Primary

- (1) The Executive Committee shall compile a list of states for which the Party does not have ballot access in the presidential election year. This list shall be made available no later than July 1 of the year immediately preceding the presidential election year. The Presidential Nominations Committee shall have the authority to remove a state from the list by unanimous vote.
- (2) To qualify for the Primary, candidates shall be required to qualify for the ballot as an independent candidate for President of the United States in states contained in the list compiled in accordance with III-(1).
- (3) In order for a candidate to be considered to have qualified for the ballot as an independent candidate for President under these rules, evidence must be provided to the Presidential Nominations Committee that the candidate has either:
  - (a) been certified by a given state to have the candidate's name placed on the general election ballot as an independent candidate for President, or
  - (b) fulfilled a significant portion of the requirements to have the candidate's name placed on the general election ballot as an independent candidate for President in states where the date for certification falls after July 1.

The Presidential Nominations Committee shall specify the exact requirements for each state which fall under III-(3)(b) no later than November 1 of the year immediately preceding the presidential election year and such requirements shall be approved by unanimous vote. If a unanimous vote is not achieved for such requirements, the requirements shall be set to zero.

- (4) Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3). The electronic copies must be in the authorized common digital format as proscribed for in I-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.
- (5) A candidate is considered to have qualified for the Primary if the candidate has qualified for the ballot as an independent candidate for President in accordance with III-(3) in states which comprise at least a majority of electoral votes from all states contained in the list compiled in accordance with III-(1). The Presidential Nominations Committee shall announce the candidates who have qualified for the Primary on July 2 of the presidential election year.
- (6) Two or more candidates may enter into a compact stating that if one candidate of the compact receives the nomination, the other candidates of the compact agree to substitute the name of the nominee on all ballot lines within the compact. The Presidential Nominations Committee shall have the authority to consider one candidate within the compact qualifying for the ballot in accordance

with III-(3) as all candidates within the compact qualifying for the ballot.

#### **Section IV. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee**

(1) The Reform Party Presidential Primary shall be held between July 4 of the presidential election year and the meeting of the National Convention in the presidential election year.

(2) A primary ballot shall be distributed to the following registered voters of the United States:

- (a) voters who are members of State Parties as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6).
- (b) voters signing petitions submitted by candidates in accordance with III-(4)
- (c) voters contacting the various State Parties specifically requesting to participate in the Reform Party Presidential Primary as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6). The Presidential Nominations Committee shall take such actions in order that no individual receives more than one primary ballot.

(3) Each candidate who is considered to have qualified for the Primary shall be considered a Primary Candidate.

(4) The names of the Primary Candidates on the primary ballot shall appear in a random order as determined by the Presidential Nominations Committee. The random determination of the order of the names shall be open and representatives for each Primary Candidate shall be allowed to observe.

(5) The primary ballot shall consist of:

- (a) the names of Primary Candidates in accordance with IV-(4)
- (b) columns labeled "First Choice", "Second Choice", and "Third Choice" next to each of the Primary Candidates' names
- (c) an identification number for the ballot

(1) The identification number shall be used within the Reform Party Presidential Nomination Process solely to determine the validity or invalidity of the cast ballot and to determine the state of residence of the voter casting the ballot.

(2) No efforts shall be made to use the identification numbers to identify or record how certain individuals voted within the Primary.

(5) The Presidential Nominations Committee shall construct the primary ballot in such a manner as to provide an efficient manner of tallying the votes cast in accordance with these rules.

(7) For a vote to be considered valid within the Primary, the vote must be received by the Presidential Nominations Committee:

- (a) prior to the start of the Reform Party National Convention, and
- (b) in person, by mail, by phone, or by internet in a manner proscribed by the Presidential Nominations Committee in accordance with these rules.

(8) Votes within the Primary shall be recorded as follows:

- (a) Primary votes cast with a valid identification number shall be recorded.
- (b) Primary votes cast without a valid identification number or with an invalid identification number shall not be recorded.
- (c) From the total number of recorded votes, the number of votes from each state shall be recorded.
- (d) Within the recording of votes from each state, the number of votes cast for each Primary Candidate as "First Choice" shall be recorded.
- (e) Within the recording of votes for each Primary Candidate as "First Choice", the number of votes cast for each Primary Candidate as "Second Choice" shall be recorded.
- (f) Within the recording of votes for each Primary Candidate as "Second Choice", the number of votes cast for each Primary Candidate as "Third Choice" shall be recorded.

(9) The votes cast for each Primary Candidate from a given state in a given round of voting shall be determined as follows:

- (a) In the first round of voting, each Primary Candidate shall receive all votes recorded for the given Primary Candidate as "First Choice".
- (b) If the current round of voting is a runoff round, the Primary Candidate receiving the lowest number of votes in the previous round is eliminated from the runoff.
- (c) In runoff rounds of voting, each remaining Primary Candidate shall receive all votes recorded for the given Primary Candidate as the highest choice among the remaining Primary Candidates. For purposes of this section, "First Choice" is considered a higher choice than "Second Choice" and "Third Choice", and "Second Choice" is considered a higher choice than "Third Choice".
- (d) All votes recorded in which none of the Primary Candidates in the current round of voting are

selected as "choices" shall not be counted towards calculating the majority of the votes cast.

(10) Results of the Primary shall be announced during the Reform Party National Convention at a time set by the approved agenda of the Convention as follows unless the Primary is overridden in accordance with IV-(11):

(a) Representatives from each State Party shall announce from the floor of the Convention the number of primary votes cast from their state for each Primary Candidate as provided by the Presidential Nominations Committee in accordance with IV-(9). If a discrepancy arises between the number of votes announced and the number of votes cast by the Presidential Nominations Committee, the number of votes cast shall take precedence.

(b) If no Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that a runoff shall take place in accordance with these rules. The results of the next round of voting shall be announced as proscribed in IV-(9)(a) no earlier than thirty (30) minutes following the announcement of the runoff.

(c) If a Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the Primary Candidate receiving at least a majority of the votes cast in the Primary is the nominee of the Party for President of the United States.

(11) The process of selecting the nominee of the Party for President of the United States by the Primary shall be overridden only as provided for in this section.

(a) A motion to override the Primary shall be considered in order if either of the following conditions are met:

(1) the Secretary of the Party has received certified resolutions from the governing bodies of at least a majority of State Parties making such a motion to override.

(2) the Chair of the Convention has received resolutions from at least a majority of the State Delegations making such a motion to override. A motion to override the Primary shall be considered out of order if neither IV-(11)(a)(1) nor IV-(11)(a)(2) are met. A motion to override the Primary may not be reconsidered.

(b) The Primary shall be overridden if the motion to override is approved by a two-thirds (2/3) vote of the National Convention.

(c) If the Primary is overridden, the selection of the Party's nominee for President of the United States shall be conducted in accordance with the rules for selecting the Party's nominee for Vice-President of the United States.

(12) Each Primary Candidate shall be allowed to address the National Convention for a period not to exceed thirty (30) minutes.

(13) Each Primary Candidate shall be allowed to provide a photograph and a five-hundred (500) word statement for inclusion within the primary ballot. The photograph and statement shall be received by the Presidential Nominations Committee no later than July 1 of the presidential election year.

(14) In the case of a tie, the breaking of the tie shall be determined by the National Convention.

#### **Section V. Selection of the Reform Party Vice-Presidential Nominee**

(1) The selection of the Party's nominee for Vice-President of the United States shall be conducted during the Reform Party National Convention at a time no earlier than eight (8) hours following the nomination of the Party nominee's for President of the United States. The Party nominee's for Vice-President of the United States shall be selected by the National Convention.

(2) Nominations for Vice-President shall be taken on the floor from Delegates of the National Convention and shall require a second.

(3) In each round of voting, the Convention Chair shall call the roll of the states. Upon the announcement of a state, a Delegate from that state delegation shall announce the number of Delegate votes for each of the candidates for Vice-President.

(4) If no candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce a runoff. If a runoff is announced, the Vice-Presidential candidate with the lowest number of votes is removed from the next round of voting.

(5) If a candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the candidate receiving at least a majority of the votes cast is the nominee of the Party for Vice- President of the United States.

#### **Section VI. Appeals**

(1) A candidate may appeal a decision of the Presidential Nominations Committee to the Executive Committee if five (5) members of the Executive Committee agree to hear such an appeal. If five (5) members of the Executive Committee do not agree to hear such an appeal within twenty (20) days of the initial presentation of the appeal, the appeal shall be considered rejected.

(2) Any appeal must be in writing and shall be limited to the contents of the appeal.

(3) Upon agreeing to hear an appeal, the Executive Committee shall take such necessary action to resolve any appeal which does not violate these rules, the Constitution of the Party, or federal law.

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Minutes of Presidential Nominations Committee meeting, July 28, 2000

# Buchanan Reform

June 26, 2000

Mr. Michael Farris  
Chairman, Nominating Committee  
Reform Party USA  
3217 Peppermint St.  
Newbury Park, CA 91320

Dear Mick:

Tomorrow (June 27, 2000), our campaign will send you (overnight) the Pat Buchanan Supporter list, consisting of over 500,000 names, on a CD, for the purpose of mailing each of these individuals a Reform Party presidential primary ballot.

Prior to sending this list, I would like to establish the following points with you regarding the use of the list. I ask that you signal your agreement to these points with your signature in the designated space below.

- 1) We are sending these names to you solely and exclusively for the purpose of receiving Reform Party USA presidential primary ballots.
- 2) We specifically request that you instruct the vendor conducting the primary that these names and addresses are to be returned to our campaign once the ballots have been printed and mailed.
- 3) We further request that you instruct all parties involved with the primary that these names are the sole and exclusive property of Buchanan Reform; that they are not to be used for any other purpose; that they are not to be retained by any party involved with the primary; that they are not to be used to create a new database, nor added to any pre-existing databases, including those of the Reform Party USA and state Reform Party organizations; that they will not be rented, sold or given to any third party whatsoever.

Should any violation of the above restrictions on the use of this list occur, we will take vigorous and immediate legal action to seek redress and protect our rights.

8398 Old Courthouse Road, Suite 200 • Vienna, VA 22182-9816

HQ: 703-734-3700 • Fax: 703-734-3709

1-800-GO-PAFSGO • Website: [www.buchananreform.com](http://www.buchananreform.com) • Email: [hq@buchananreform.com](mailto:hq@buchananreform.com)

EXHIBIT "C"

ATTACHMENT 1

33 of 69

Page 1 of 1  
Mr. Michael Ferris  
June 26, 2000

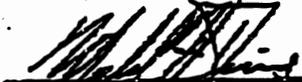
Thank you for your assistance in this matter. Please fax this letter back to me at 701/734-2705 when you have signed below, and then please return the signed original back to me at our campaign headquarters by mail.

Sincerely,



Ray Buchanan

I agree to all the terms set forward in the above letter from Ray Buchanan regarding the use of the Buchanan Reform candidate list.



Michael Ferris, Chairman, Nominating Committee, Reform Party USA

6/26/00  
Date

DECLARATION

I, Thomas Ross, am a registered Republican in the state of California.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

- 1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (4445 "B" Street, Sacramento, CA, 95819) and delivered by the United States Postal Service to said address.
- 2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party.
- 3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the Internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or Pat Buchanan.
- 4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 23rd day of July, 2000

At Sacramento, CA

Signed Thomas Ross

DECLARATION

Darin

I, ~~Darin~~ Schneider, am a registered Republican in the state of Iowa.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

- 1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (1501 Grand Avenue, Emmetsburg, Iowa, 50536) and delivered by the United States Postal Service to said address.
- 2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party
- 3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the Internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or PM Buchanan.
- 4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 29<sup>th</sup> day of July, 2000

At Emmetsburg, Iowa 12:15 PM

Signed Darin W. Schneider

# Evidence of Massive Election Fraud by Pat Buchanan

IN 10 STATES WHERE THERE WAS NO BALLOT ACCESS PETITIONING

Ballot Requests by State	Total List	National List	State List	Hagelin List	Buchanan List
CALIFORNIA	191,792	30,406	80,000	3,064	78,322
COLORADO	13,254	4,331	810	651	7,462
CONNECTICUT	9,482	3,283	1,523	208	5,991
FLORIDA	51,686	18,207	856	1,799	30,824
IOWA	41,295	1,459	1,221	533	39,303
KENTUCKY	11,329	2,292	6,508	258	2,271
MICHIGAN	28,062	8,903	3,900	626	14,633
NEW HAMPSHIRE	24,697	937	3,500	110	20,150
NEW JERSEY	18,070	5,044	400	400	12,226
NEW YORK	215,336	7,597	155,087	1,520	51,132
<b>TOTAL</b>	<b>605,003</b>	<b>82,459</b>	<b>253,805</b>	<b>9,169</b>	<b>262,314</b>

Source: Reform Party National and State Leaders



search
  site map
  comments

### Minutes of Presidential Nominations Committee meeting , July 28, 2000

Meeting called to order at 6:40 PM Pacific.

Michael Farris, Harry Kresky, Dave Goldman in attendance.

Tom McLaughlin and Gerry Moan in attendance (ex-officio members of PNC) Significant discussion regarding list submissions.

Kresky motion (below as Resolution #1) - Motion fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Farris motion (below as Resolution #2) Kresky amendment to Farris motion (below as Amendment #A): Amendment fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Vote on Farris motion: Motion fails, 2-3 (Goldman, Moan, McLaughlin opposed)

As a result, no actions were taken by the Committee.

Meeting adjourned at 8:35 PM Pacific.

#### Resolution #1

#### BACKGROUND

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

#### AUTHORITY

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that: "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement

these rules."

Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

### SCOPE OF SUBCOMMITTEE'S CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padawer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

In light of the above and in light of:

- (1) the failure of the Buchanan campaign to deny the charge that the list of over 400,000 it submitted to receive primary ballots consisted in whole or substantial part of the candidate's contributors and supporters who did not take the steps necessary to qualify as voters in the Reform Party presidential primary,
- (2) the existence of evidence that submission of the non-complying list was done knowingly and in a manner which suggests an attempt to conceal its true nature, and
- (3) the Buchanan campaign's manifest lack of respect for the integrity and authority of the RPUSA, its rules and its official bodies, the appropriate remedy is that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

### DIRECTIVES

Based on the above background, authority and findings, the Committee hereby directs that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

The Committee further directs that the work of the Subcommittee is suspended until such time as the Committee receives specific and credible charges concerning the validity of the list submitted by any other candidate for the for the RRUSA presidential nomination.

---

## Resolution #2

### BACKGROUND

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

### AUTHORITY

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that: "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules."

Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

### SCOPE OF SUBCOMMITTEE'S CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padawer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to

the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

The Subcommittee met via teleconference on July 26, 2000, with no results or actions.

#### **FINDINGS OF THE COMMITTEE BASED UPON SUBCOMMITTEE ACTIVITIES**

It is determined that the Hagelin campaign has sufficiently complied thus far with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Hagelin campaign.

It is determined that the Buchanan campaign has not sufficiently complied with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Buchanan campaign. This is evidenced by the letter from the Buchanan campaign dated July 24, 2000, the refusal to produce identical copies of the lists submitted to the Committee, and the refusal to produce sufficient backup material, specifically in the form of signed petitions, for purposes of review and verification of the submitted list.

It is determined that the Buchanan campaign has shown and continues to show contempt for the regulatory authority of the Committee. This contempt is interpreted by the Committee as acknowledgement that the submitted list from the Buchanan campaign is not in compliance with the Rules as specifically stated in Section III-(4) of the Rules.

#### **DIRECTIVES**

Based upon the above background, authority, and findings, the Committee hereby directs the Buchanan campaign to provide to the Committee an affidavit stating the complete list of sources, including approximate numbers from differing sources, for the names that were contained in the list submitted to the Committee.

The Committee further directs that, upon demand of the Committee, the Buchanan campaign submit the materials necessary for a fair, impartial audit conducted under professional standards in order for the Subcommittee to complete the review and verification of the list submitted to the Committee by the Buchanan campaign.

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#### **Amendment #A**

(Substitute for DIRECTIVES)

In light of the above, the Committee shall take such steps as are necessary so that persons who were sent ballots solely as a result of their names being on the list submitted by the Buchanan campaign shall not have their votes counted.



- Section 5. State Party Organization rules pertaining to Delegate qualifications, eligibility, election or appointment, term of office, conditions of continuing service, removal from office, vacancies, duties, powers, subjection, participation, and voting rights, shall be observed; unless such rules are in conflict with this Constitution, or other provisions adopted pursuant to provisions of this Constitution; including the provisions of the Bylaws, the Resolutions and actions of the National Convention, and such provisions as may be specified in the Standing Rules of the National Convention.
  - a) In the event such State Party Organization rules do not so pertain, a State Party Organization shall carry out such measures as may be required by: the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
  - b) In the event such State Party Organization rules do so conflict, a State Party Organization shall carry out such measures as may be required by the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
- Section 6. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Delegate.
- Section 7. The removal of a Delegate shall be such that:
  - a) Any Delegate may be removed by three-quarters vote of the registered Delegates of the National Convention. The seat of a Delegate so removed shall automatically and immediately become vacant upon such removal.
  - b) Any Delegate may be removed in accordance with the Rules of the applicable State Party Organization, except for a person who is a Delegate as a result of being an Elected National Party Officer.
- Section 8. Each State Party Organization may send Alternate Delegates in accordance with their State Party Organization Rules. Each Alternate Delegate must meet all the qualifications of a Delegate, shall reside in the same political district as the Delegate they replace, and shall have no voting rights until re-registered as a Delegate.
- Section 9. The National Convention shall:
  - a) be the supreme governing body of the Reform Party at the national level, subject only to the provisions of this Constitution and the provisions of the Bylaws.
  - b) have all power and authority over the affairs of the Reform Party, subject only to the provisions of this Constitution and to the provisions of the Bylaws.
  - c) have the exclusive power to grant Official Recognition to State Party Organizations. Official Recognition of a State Party Organization shall be granted by majority vote of the registered Delegates.
  - d) receive reports from the National Officers and Committees.
  - e) adopt a national Reform Party platform by two-thirds vote of the registered Delegates.
  - f) adopt a national Statement of Principles by two-thirds vote of the registered Delegates. This same requirement shall apply to amendments, additions or revisions to the Statement of Principles.
  - g) in appropriate years, provide rules and procedures for the nomination and endorsement of candidates for the office of President and Vice President of the United States, or no endorsement, such procedures shall, to the extent possible, provide for the popular selection by Reform Party members.
  - h) act upon such other matters as the National Convention deems appropriate, subject to the provisions of this Constitution and the provisions of the Bylaws.
- Section 10. Sessions of the National Convention shall be such that:
  - a) Previous notice of each session of the National Convention shall be given in writing, by means of a Call to National Convention. Such a Call to National Convention shall:
    - (1) be mailed to each affiliated State Party Organization Chair and all known elected Delegates and Alternates, not more than ninety days and not less than thirty five days, prior to the date of the first scheduled business meeting of the session being called,
    - (2) specify the date, hour, place and proposed agenda of the meeting,
    - (3) contain other such information as is provided in this Constitution, and such as may be provided in the Bylaws.
  - b) The quorum of a session of the National Convention shall be the majority of all registered Delegates.
  - c) The National Convention shall be called into session once each calendar year. Such session shall be scheduled and arranged, and a Call to National Convention shall be properly issued by the National Party Chair, upon two-thirds vote of the Executive Committee or majority vote of the National Committee, except in a case of emergency. In a case of

emergency, the National Convention may be called into session as needed such that

(1) A case of emergency shall be deemed to exist upon such being officially declared by the Reform Party Chair, by a majority vote of the Executive Committee, or by majority vote of the National Committee.

(2) An official declaration of emergency shall in no way remove, alter, or have precedence over any of the provisions of this Constitution, or the provisions of the Bylaws.

d) The determination, allocation, exercise and tally of Delegates votes shall be such that

(1) Only Delegates who have been properly registered and are in attendance at the time of the vote shall be eligible to vote. There shall be no proxy voting.

(2) No person shall hold more than one Delegate seat.

(3) Each Delegate shall have one and only one vote.

(4) No Delegate shall be required to cast a vote contrary to his or her preference.

- Section 11. Each Delegate shall report to the State Party Organization of which he or she is a member. The National Convention shall provide that the minutes and Resolutions of the National Convention be recorded in writing, be properly filed with Reform Party Executive Committee, be distributed to the Chairperson of each State Party Organization and be made available to the public

#### ARTICLE IV National Committee

- Section 1. The National Committee shall be responsible for the conducting of the business and affairs of the Reform Party between sessions of the National Convention. Such responsibilities shall include:
  - a) providing a procedure for the nomination of Reform Party National Officers.
  - b) the temporary filling of National Officer vacancies,
  - c) providing for the clear interpretation, proper application, and continuing pertinence of the Bylaws, and for the continuing integrity of the Bylaws with this Constitution and the Statement of Principles of the Reform Party,
  - d) formulating and promoting statements of public policy, which are consistent with the Reform Party Statement of Principles,
  - e) providing for the raising, budgeting, disbursing and accounting of the monies for the operation of the Reform Party in amounts sufficient to fulfill the Party Object, including setting the dollar amount and payment frequency of any dues, fees and assessments to be paid to the National Party by State Party Organizations.
  - f) providing for ongoing Reform Party public relations and voter education,
  - g) providing for the keeping, filing and archival storage of the official books, records and lists of the Reform Party,
  - h) assisting state Reform Party Organizations in the building of their State Party Organizations, election of their endorsed candidates and member education, and
  - i) all other actions appropriate or necessary to carry out the provisions of this Constitution and the Bylaws and carry on the successful operation of the Reform Party.
- Section 2. The National Committee shall be composed of:
  - a) the Executive Committee,
  - b) three statewide Delegates from each State Party Organization
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing membership on the National Committee.
- Section 4. A National Committee Member shall be subject to the provisions of this Constitution and the Rules of their State Party Organization except where the State Party Organization rules conflict with this Constitution or state election laws. The State Chair shall be responsible for registering the State Party Organization's National Committee Members with the Executive Committee.
- Section 5. Each National Committee Member shall have the duty to serve on at least one Reform Party Standing Committee or Special Committee.
- Section 6. The National Committee shall meet one or more times in each calendar year. A National Committee meeting shall be called by the National Chairperson or by action of one-fourth of all National Committee members. The National Committee may conduct a vote by mail on matters pertaining to the election and/or nominating of officers, the election of committee members, the filling of vacancies, the activation and dismissal of Special

committee members, the filling of vacancies, the activation and dismissal of Special Committees, the issuance of a Call to National Convention, the approval or amendment of the Reform Party budget and the amendment of the Bylaws.

- Section 7. A quorum of the National Committee shall be a majority of the registered National Committee Members.
- Section 8. The National Committee shall report to the National Convention.
- Section 9. National Committee Members shall be elected, not appointed, democratically by their respective State membership at State Conventions, caucuses or whatever democratic process is available, provided that such elections are in compliance with and do not violate State Election laws.

## ARTICLE V Executive Committee

- Section 1. The Executive Committee shall be responsible for the conducting of the day to day business and affairs of the Reform Party, between meetings of the National Committee. The responsibilities of the Executive Committee shall include:
  - a) coordinating the efforts of the Standing Committees and the Special Committees so as to maximize efficiency, maximize resources, maximize effect and fulfill the object of the Reform Party.
  - b) providing for such organizational, administrative and financial support as the National Convention may require for its organization and operation,
  - c) providing for such organizational, administrative and financial resources as may be required to fulfill the Object of the Reform Party,
  - d) all actions appropriate or necessary to carry out the provisions of this Constitution, the Bylaws, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention, and
  - e) all actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 2. The Executive Committee shall be composed of the Reform Party USA Officers and seven regional representatives elected by the National Committee.
- Section 3. Regional Representatives to the Executive Committee shall be elected by the National Committee at the first meeting of the National Committee held in odd numbered years and shall serve for two years.
- Section 4. All Regional Representatives will be elected at meetings of the National Committee. Committee representatives from the states within the regions will caucus to elect one representative from each region. The regions are defined as:
  - a) Midwest Region - Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Minnesota
  - b) New England Region - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
  - c) Northeast Region - Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington D.C., West Virginia
  - d) Northwest Region - Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming
  - e) Pacific Region - Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington
  - f) Southeast Region - Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee
  - g) Southwest Region - Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas
- h) The duties of each Regional Representative shall be:
  - (1) Be a Member of the Executive Committee;
  - (2) Be a conduit for informational flow between the State Party organizations in the respective Region and the Executive Committee;
  - (3) Provide all organizational help possible and practical to the State Party organizations in the respective Region when requested;
  - (4) Compile a list of qualified candidates for Committee Chairmen who have the ability, experience and knowledge for each Committee, for use by the National Chairman in making appointments.
  - (5) Compile a list of any special talents that have been identified within the state parties for

potential service to the national party committee.

- Section 5. A Regional Representative may be removed by a two-thirds vote of the registered Members of the National Committee in that particular Region.
- Section 6. In the event of a vacancy in the position of Regional Representative, such vacancy shall be filled by a simple majority vote of the registered Members of the National Committee in that particular Region.
- Section 7. The duties of the Executive Committee shall include:
  - a) maintaining and providing Delegate lists and National Committee Member lists,
  - b) maintaining and keeping all national books, records and lists of the Reform Party,
  - c) taking those actions appropriate and necessary to carry out the provisions of this Constitution, the Bylaws, and the proper directives of the National Committee and the National Convention, and
  - d) taking those actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 8. The Executive Committee shall meet as necessary to conduct the required business of the National Party. Executive Committee meetings may be called upon action of the National Party Chair or upon action of any three Executive Committee Members. The Executive Committee may conduct a vote by mail.
- Section 9. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service on the Executive Committee.
- Section 10. A quorum of the Executive Committee shall be a majority of the Executive Committee Members.

#### ARTICLE VI Standing Committee General Provisions

- Section 1. There shall be six Standing Committees of the National Committee. The six Standing Committees: Rules, Issues, Party Building, Finance, Public Relations and Communications.
- Section 2. The responsibilities of each Standing Committee shall be:
  - a) Rules  
The Rules Committee shall be responsible for: developing and proposing amendments to this Constitution; developing and proposing bylaws and other procedural rules, including amendments thereto, for the conduct of the national party; working with various State Party Organizations in development and adoption of their state party rules; other such duties as the Executive Committee may assign.
  - b) Issues  
The Issues Committee shall be responsible for: reviewing, developing and proposing platform and policy for adoption by the National Convention; developing and proposing amendments to the national party Statement of Principles; developing and implementing plans to educate voters regarding various issues; other such duties as the Executive Committee may assign.
  - c) Party Building  
The Party Building Committee shall be responsible for: developing and implementing strategies to build and maintain the party as a major national political party; working with the various State Party Organizations to build and maintain the party as a major political party within each state; other such duties as the Executive Committee may assign.
  - d) Finance  
The Finance Committee shall be responsible for: fundraising at the national level; developing and implementing budgets for national party operations; assisting the National Treasurer in the performance of assign duties; advising the various State Party Organizations regarding fundraising and other financial issues; other such duties as the Executive Committee may assign.
  - e) Public Relations  
The Public Relations Committee shall be responsible for: developing and implementing strategies for interfacing with the media and the public; developing media contacts nationwide; other such duties as the Executive Committee may assign.
  - f) Communications  
The Communications Committee shall be responsible for: developing and implementing plans to keep party members informed on various public and internal party issues; developing internal party communications links between the various committees and various State Party Organizations; other such duties as the Executive Committee may assign.

Organizations; other such duties as the Executive Committee may assign.

- Section 3. Each Standing Committee Chair shall be appointed by the National Chairperson. No person shall simultaneously hold more than one of the following positions: Standing Committee Chair, Standing Committee Vice Chair or National Officer. Standing Committee Chairs shall be subject to those provisions of this Constitution that apply to National Officers.
- Section 4. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service on a Standing Committee.
- Section 5. The members and any additional officers of each standing committee shall be appointed by the Chairperson of such Standing Committee. No more than one-fourth of the Members of a Standing Committee shall be members of the same State Party Organization.
- Section 6. Each Standing Committee shall be subject to the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 7. Each Standing Committee shall meet as necessary to conduct the required business of their Standing Committee. Standing Committee meetings may be called upon action of the Standing Committee Chair or upon action of one-fourth of the Standing Committee Members. Standing Committees may conduct business by mail, teleconference or other electronic media. Each Standing Committee may adopt such rules of operation as the Standing Committee Members deem necessary to conduct Committee business.
- Section 8. Each Standing Committee shall report to the Executive Committee. Each Standing Committee shall also report to the National Committee and to the National Convention.

## ARTICLE VII Special Committees and Sub-Committees

- Section 1. Special Committees and Sub-Committees
  - a) Special Committees may be established for specific purposes by action of the National Party Chair or by majority vote of the Executive Committee, National Committee or National Convention. The Chair of any Special Committee shall be appointed by the National Party Chair. Special Committees exist at the pleasure of the National Party Chair.
  - b) Sub-Committees to any existing Committee may be established for specific purposes by action of the parent Committee Chair. The Chair of any Sub-Committee shall be appointed by the parent Committee Chair. Sub-Committees exist at the pleasure of the parent Committee Chair.
  - c) The Members and any additional Officers of each Special Committee or Sub-Committee shall be appointed by the Chairperson of such Special Committee or Sub-Committee
- Section 2. The responsibilities of each Special Committee or Sub-Committee shall be stated when establishing the Special Committee or Sub-Committee.
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Member of any Special Committee or Sub-Committee.
- Section 4. Each Special Committee and Sub-Committee shall be subject to the Executive Committee, National Committee, the provisions of this Constitution, the provisions of the Bylaws and to the Resolutions and proper actions of the National Convention. Each Sub-Committee shall also be subject to its specific parent Committee.
- Section 5. A Special Committee or Sub-committee meeting shall be called upon the action of the Special Committee's or Sub-committee's Chairperson or upon the action of one-fourth of a Special Committee's or Sub-committee's members such as is provided in this Constitution and such as may be provided in the Bylaws. A Special Committee or Sub-committee may conduct a vote by mail such as is provided in this Constitution and such as may be provided in the Bylaws. Each Special Committee or Sub-committee may adopt such rules of operation as the Special Committee or Sub-committee Members deem necessary to conduct Committee business.
- Section 6. Each Special Committee shall report to the Executive Committee, the National

Section 6. Each Special Committee shall report to the Executive Committee, the National Committee, and to the National Convention provided that the Special Committee, so reporting, is properly directed to do so. Each Sub-Committee shall report to its specific parent Committee.

## ARTICLE VIII

### National Officer General Provisions

- Section 1. The National Officers shall be the Chair, the Vice Chair, the Secretary, and the Treasurer. There may be a National Executive Director of the Party, who shall not be an Officer or Member of any Committee.
- Section 2. The National Officers shall have the following responsibilities:
  - a) The National Party Chair shall preside over meetings of the Executive Committee, National Committee and National Convention and act on behalf of the Party to carry out the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution.
  - b) The National Party Vice Chair shall assist the National Party Chair in the operation of the Party and serve as National Party Chair in the absence of the National Party Chair.
  - c) The National Secretary shall: have custody of the official copy of this Constitution, the bylaws and any other rules adopted by the party; attend all meetings and record the proceedings of such meetings including, at a minimum, all actions taken by the Executive Committee, the National Committee and the National Convention; maintain the records (except financial) of the National Party; provide official notice of all meetings of the Executive Committee, the National Committee and the National Convention; perform other duties as may be assigned by the Executive Committee.
  - d) The National Treasurer shall: have custody of the Party funds and shall keep full and accurate records thereof in books belonging to the Party; deposit all monies and other valuable effects to the name and to the credit of the Party in such depositories as may be designated by the Executive Committee; prepare and file required federal reports; disburse funds in accordance with the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution; report on the financial status of the Party at each meeting of the Executive Committee, the National Committee and the National Convention.
- Section 3. Each National Officers shall be elected by majority vote of the registered Delegates at the National Convention. Each National Officer shall be elected by written ballot. National Officers shall be Party Members but need not be National Committee Members or National Committee Delegates to be eligible for election as a National Officer. Nominations shall be accepted from the floor when made by any registered Delegate. National Officer elections shall be held in each odd numbered year.
- Section 4. Each National Officer's term of office shall be two years. Each National Officer's term shall begin on the first day of January in each even numbered calendar year. No National Officer shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.
- Section 5. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service as a National Officer.
- Section 6. A National Officer may be removed by:
  - a) a two-thirds roll call vote of the registered Members of the National Committee, or
  - b) a majority vote of the registered Delegates of the National Convention.
- Section 7. National Officer vacancies shall be filled by majority vote of the registered Delegates of the National Convention. National Officer vacancies may be temporarily filled by majority vote of the registered Members of the National Committee. A person filling such vacancy must meet the qualifications for eligibility for election as a National Officer. Such a person, so elected, shall be seated until such time as the Office is filled by majority vote of the registered Delegates of the National Convention subject to the provisions of Section 3 of this Article.
- Section 8. The Reform Party Chairperson shall be ex-officio a member of all Reform Party committees except the Nominations Committee.

- Section 9. Each National Officer shall be subject to the proper directives and actions of the Executive Committee, the proper directives and actions of the National Committee, the provisions of this Constitution, the provisions of the Bylaws and the Resolutions and proper actions of the National Convention.
- Section 10. Each National Officer shall report to the Executive Committee, the National Committee, and the National Convention.
- Section 11. Upon resolution adopted by a majority of the registered Members of the National Committee authorizing the expenditure of such funds, the National Chair shall have the authority to name any Party Member to fill the position of National Executive Director upon confirmation by a majority vote of the Executive Committee.
  - a) The National Executive Director shall not be a Party Officer or Member of any Committee and shall report directly to the National Chair.
  - b) The National Executive Director shall be responsible, at the direction of the National Chair, for the day-to-day activities of the Party, subject to the provisions of this Constitution, the bylaws, the Resolutions and actions of the National Convention, and the proper directives of the National Committee and the Executive Committee.
  - c) The National Executive Director may be removed from the position by two-thirds vote of the Executive Committee.

## ARTICLE IX

### State Party Organizations

- Section 1. A State Party Organization shall be responsible for conducting all Reform Party state level business and affairs in its constituent state democratically and for providing for the successful operation of a major state political party which is in keeping with the Principles and Object of the Reform Party of the United States of America, the provisions of this Constitution and the provisions of the Bylaws. This major state political organization which is operated by the State Party Organization is not obligated to use the name of the national party.
- Section 2. Recognition shall be granted to no more than one State Party Organization in each state or territory of the United States of America.
- Section 3. A State Party Organization may be granted Official Recognition by a majority vote of the registered Delegates of the National Convention. A State Party Organization may be granted Provisional Recognition by a two-thirds vote of the registered Members of the National Committee.
- Section 4. Official Recognition of a State Party Organization shall continue until such time as such recognition is removed. Provisional Recognition of a State Party Organization shall continue until such time as such recognition is removed or until the next National Convention.
- Section 5. The conditions of continuing Official Recognition and the conditions of continuing Provisional Recognition shall be affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles.
- Section 6. Removal or Suspension of Official Recognition of a State Party Organization and removal or expiration of Provisional Recognition of a State Party Organization shall be such that
  - a) Official Recognition of a State Party Organization may be removed by a two-thirds vote of the registered Delegates of the National Convention.
  - b) Official Recognition of a State Party Organization may be suspended by a two-thirds vote of the registered Delegates of the National Convention. Such suspension shall not exceed a period of six calendar months. Such suspension shall be imposed by means of a Resolution of the National Convention. Such a Resolution shall:
    - (1) specify the conditions under which the suspension shall be lifted,
    - (2) specify the end date of the suspension time period,
    - (3) specify the manner in which the fulfillment of such conditions shall be verified, and
    - (4) shall be subject to the provisions of this Constitution and subject to the provisions of the Bylaws.
  - c) The votes of National Committee Members and the votes of Delegates who are Members of a State Party Organization which is so suspended shall not be counted.
  - d) A State Party Organization which is so suspended and which fails to fulfill the conditions to lift such suspension shall automatically and immediately forfeit its Official Recognition upon

the end date of such suspension.

e) Provisional Recognition of a State Party Organization may be removed by majority vote of the registered Members of the National Committee.

f) Provisional recognition of a State Party Organization shall automatically and immediately expire upon adjournment of the session of the National Convention which follows the date such Provisional Recognition was granted.

- Section 7. Each State Party Organization which has been granted Official Recognition or Provisional Recognition and each organization which requests Official Recognition or Provisional Recognition shall:
  - a) provide the Executive Committee with true, current and complete copies of its Constitution, Bylaws and/or Rules and copies of all legally required state and federal reports.
  - b) provide the Executive Committee with any such additional information the Executive Committee similarly requests of all State Party Organizations or organizations.
  - c) pay dues, fees and assessments such as is provided in this Constitution and such as may be provided in the Bylaws.
- Section 8. A State Party Organization which has been granted Official Recognition or Provisional Recognition shall be eligible to receive all the Delegate seats which are available to be allocated to the State Party Organization so recognized. A State Party Organization and the members of such State Party Organization so recognized shall be eligible to participate without restriction in the national affairs of the Reform Party including all sessions of the National Convention and all national committees subject to the provisions of this Constitution, subject to the provisions of the Bylaws and Section 6 of this Article except that:
  - a) a Member of a State Party Organization which has been granted Provisional Recognition shall not be eligible to be elected as a National Officer.
  - b) each Delegate or National Committee Member of a State Party Organization which has been granted Provisional Recognition shall not be entitled to vote on questions pertaining to Official Recognition or Provisional Recognition of his or her own State Party Organization.
- Section 9. State Party Organizations shall be subject to the laws of the State in which the State Party Organization is organized, the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the National Officers, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 10. A State Party Organization shall, as a condition of continuing recognition, have no less than one-fourth of its registered Delegates in attendance at each session of the National Convention. A State Party Organization shall allow none of its National Committee seats to remain vacant for more than sixty days from the effective date of a written resignation, removal from position or second absence from a National Committee Meeting if such absences have not been excused by the Executive Committee.
- Section 11. Individual Reform Party Member participation rights shall be such that:
  - a) In a state which has no State Party Organization such as is provided for in the Constitution, a person who identifies himself or herself as a Reform Party member shall have no Reform Party participatory rights except such rights as are accorded to any other citizen.
  - b) In a state which has an Officially Recognized or Provisionally Recognized State Party Organization, a person who identifies himself or herself as a Reform Party Member but does not also identify himself or herself as a member of his or her state's State Party Organization shall have no participatory rights except such rights as are accorded to any other citizen.
  - c) Citizens of states which have no State Party Organization who express an interest in establishing a State Party Organization in their state shall be listed by the Executive Committee. Such a list shall be provided to other similarly interested citizens of such state upon the request of such citizens until such time as a State Party Organization is established in such state.

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## ARTICLE X General Provisions

- Section 1. All financial reports and all budget reports, given or approved by any Reform Party Committee or any Reform Party Officer, shall be prepared in keeping with the Generally Accepted Accounting Principles as are established by the Financial Standards and Accounting Board.
- Section 2. No dues, fees, financial assessments, administrative fees, subscription fees or

member fees shall be implemented or required which are not specifically provided for in this Constitution or the Bylaws.

- Section 3. No Reform Party Officer shall be compensated for services rendered to the Reform Party except for reimbursement of legitimate personal expenses incurred in the performance of one's official Reform Party duties.
- Section 4. The minutes of all Reform Party meetings shall be available upon request.
- Section 5. There shall be no proxy voting or voting by proxy.
- Section 6. Definitions of certain words used in this Constitution shall be such that
  - a) The words "Party" and "Reform Party" shall mean the Reform Party of the United States of America.
  - b) The words "Reform Party Member" and "Member" shall mean any person eligible to vote in the next election of the President of the United States who identifies himself or herself as a member of the recognized State Party Organization in his state of residence and meets such requirements as provided in the Rules of their State Party Organization.
  - c) The words "State Party Organization" shall mean an organized body of citizens which has been granted Official Recognition or Provisional Recognition such as is provided in this Constitution and such as may be provided in the Bylaws. The recognized Party Organization in the District of Columbia shall also be identified as a "State Party Organization" with one (1) Congressional District. U.S. Territories and Possessions establishing Party Organizations shall each, upon recognition, also be identified as a "State Party Organization" with one National Committee Member and one Congressional District Delegate for a total of two National Convention Delegates.
  - d) The words "mail", "by mail" or "mailed to" shall mean delivery of a written document or documents via the First Class Mail service of the United States Postal Service or delivery of written documents via a delivery service that is as reliable or more reliable and that is as fast or faster than that of the First Class Mail service of the United States Postal Service.
  - e) The words "vote by mail" shall include fax or other electronic means such as email provided the response can be reliably verified as originating from the qualified voting individual.
  - f) The words "proper" or "property" shall mean in keeping with all applicable provisions of this Constitution, in keeping with all applicable provisions of the Bylaws and in keeping with all applicable provisions of the rules of State Party Organizations.
  - g) The word "meeting" shall also include teleconferences, video conferences, computer conferences or other electronic means allowing for direct interaction by the qualified participants and for which official minutes are taken or a transcript is made documenting the participants and any actions taken.
- Section 7. No person shall hold any position provided for in this Constitution who is not a Member of a Recognized State Party Organization.
- Section 8. Honorary titles or positions may be conferred upon individuals by Resolution of the National Convention.
- Section 9. The publication and distribution of this Constitution and the Bylaws shall be such that
  - a) This Constitution and the Bylaws shall be published and distributed in writing in the format and type style herein indicated or in other such formats and type styles as may be provided by proper action of the Executive Committee.
  - b) When distributed, the Bylaws shall be attached to this Constitution and this Constitution, the Bylaws and any amendments thereto shall be bound together in their entirety under a cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."
  - c) A title page and a table of contents for this Constitution and a title page and a table of contents for the Bylaws may be included under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America." Such title pages and such tables of contents shall not be deemed part of this Constitution and shall not be deemed part of the Bylaws. Such title pages shall indicate the effective dates of this Constitution, the Bylaws and any amendments thereto.
  - d) The pages of this Constitution, the pages of the Bylaws and the pages of any amendments thereto may be numbered. Such page numbering shall not be deemed as part of the text of this Constitution, the Bylaws or any amendments thereto.
  - e) Any amendments to this Constitution shall be attached to the final page of this Constitution and any amendments to the Bylaws shall be attached to the final page of the Bylaws until such time as the Executive Committee provides for the publication of this Constitution and/or

the publication of the Bylaws as amended.

f) There shall be no introductory information, preface, reader's guide, letters by National Officers or any other such information pertaining to this Constitution and pertaining to the Bylaws distributed under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."

- Section 10. The provisions of this Constitution and the provisions of the Bylaws shall be deemed severable and separately enforceable. Should any Article, Section, sub-section or provision of this Constitution or of the Bylaws be invalidated or declared void, all other provisions of this Constitution and all other provisions of the Bylaws shall remain in full force and effect.
- Section 11. The interpretation, meaning and effect to be given the provisions of this Constitution and to be given the provisions of the Bylaws shall not be inconsistent with federal law.

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#### ARTICLE XI Bylaws

- Section 1. There may be Reform Party Bylaws. The Bylaws shall be such that
  - a) The provisions of the Bylaws shall be subject to the provisions of this Constitution. In a case such that a provision or provisions of the Bylaws are in conflict with a provision or provisions of this Constitution, the provision or provisions of this Constitution shall prevail and the provision or provisions of the Bylaws which so conflict shall be deemed null and void.
  - b) The Bylaws shall be consistent with the Principles and Object of the Reform Party and consistent with the provisions of this Constitution.
  - c) The Bylaws shall have Articles and Sections which are similar in form, number, title and topic to the Articles and Sections of this Constitution. The Bylaws may contain additional Articles and additional Sections to address topics not addressed in this Constitution.

#### resolutions

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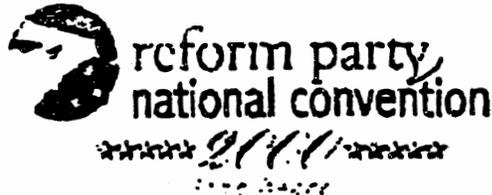
#### ARTICLE XII Parliamentary Authority

- The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern this convention in all cases to which they are applicable and are not inconsistent with any Rules, Bylaws, Constitution or resolutions adopted by the National Convention or National Committee.

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#### ARTICLE XIII Amendment

- This Constitution may be amended by a two-thirds vote of the National Convention provided that thirty (30) days previous notice and a precise written copy of the motion to amend this Constitution, such motion may not be amended, is provided to each registered Delegate.



July 19, 2000

Kingsley Brooks  
Hagelin 2000  
P.O. Box 1900  
Fairfield, IA 52556

Dear Kingsley,

This letter is to inform you that the Presidential Nominations Committee has established a Primary List Subcommittee. The charter of the Primary List Submission Subcommittee shall be to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

The Primary List Subcommittee shall be comprised of four members: One representative from the Buchanan campaign, one representative from the Hagelin campaign, and two representatives from the Committee, specifically Harry Kresky and Dave Goldman.

In order for the Primary List Subcommittee to review and verify the submitted lists, each campaign is directed by the Committee to produce identical copies of the lists submitted to the Committee for inclusion in the Primary to the Primary List Subcommittee for purposes of review and verification. Additionally, each campaign is directed by the Committee to produce sufficient backup material, specifically in the form of signed petitions, to the Primary List Subcommittee for purposes of review and verification.

Failure to comply with the directives of the Committee in this matter may be interpreted by the Committee as acknowledgement that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary.

Your response in this matter is of the utmost urgency, given the short timeframe from now until the Reform Party National Convention. Please contact Harry Kresky (212-581-1826) or Dave Goldman (941-954-1234) at your earliest convenience in order to coordinate your representative's participation in the Subcommittee's activities and to submit the required material. The minutes of the Presidential Nominations Committee meeting establishing the Subcommittee is attached.

The Committee looks forward to your cooperation in this matter.

Sincerely,

Michael Farris  
Chair, Reform Party Presidential Nominations Committee  
RPUSA

## REFORM PARTY OF THE UNITED STATES OF AMERICA

In-person Executive Committee Meeting  
Dallas, Texas

July 29, 2000

MINUTES

Present: Officers: Jim Mangia, Secretary

Regional Representatives: Sue Harris DeBauche, Micki Summerhayes, Anne Merkl, Paul Truax, June Spink, LuAnn Jones (present and not voting due to contested recall election, until legality of election was decided).

Guests: Beverly Kennedy (parliamentarian), Dot Drew (Credentials Committee Chair), Russell Verney, Dror Bar-Sadeh (Communications Committee Chairman), Diane McKelvey.

Absent: Gerry Moan, Vice Chairman; Tom McLaughlin, Treasurer, Cedric Scofield.

Given the absence of the Vice Chair (Gerry Moan), Jim Mangia called the meeting to order at 3:25pm central time. A quorum (majority of the committee) was present.

Micki Summerhayes stated that there was an alternate Executive Committee member from the Midwest region present (Diane McKelvey) who was elected at the Midwest regional caucus. She made a motion to recognize McKelvey as the representative for the meeting since Cedric Scofield was absent and she was the legally elected alternate. Anne Merkl seconded.

Discussion. Micki Summerhayes withdrew the motion.

Merkl pointed out that Scofield belongs to a state party that is unaffiliated, he is not a member. Sue DeBauche stated that on these grounds he is not a member of the Executive Committee.

Discussion.

Jim Mangia asked that the Executive Committee elect a Chairman to chair the meeting so he could continue taking minutes. He nominated Paul Truax to chair the meeting. June Spink seconded. Vote: motion passes unanimously.

Discussion continued on people's concerns about Cedric's membership in an unaffiliated state party. Sue DeBauche made a motion:

Whereas Cedric Scofield is from a state that has not affiliated Reform Party, he has no right to sit on the Executive Committee based on the RPUSA Constitution. Be it resolved that Scofield is hereby removed and Diane McKelvey be seated in his place. Anne Merkl seconded.

Discussion. Micki Summerhayes stated that Scofield's mailing address is in Minnesota but he is a member of another state party organization. Dror Bar-Sadeh called a Reform Party leader in Kentucky, who verified that Cedric Scofield was a member of the Kentucky Reform Party. He stated that the Kentucky Reform Party had voted to change their bylaws to allow Cedric to be a member, even though he did not reside in that state. Mangia stated that he felt the Executive Committee should not engage in removing people from the Executive Committee and that technically Scofield was a member of a state party organization. Mangia said that the Executive Committee should leave the illegal removals to the Buchanan campaign. Summerhayes asked the parliamentarian's opinion. Kennedy stated she agreed that he was technically a member of a state party organization. Sue DeBauche withdrew her motion.

Summerhayes made a motion that McKelvey participate in the meeting as a non-voting member and that questions about Scofield's legitimacy should be entertained when he can be present and respond in person. Anne Merkl seconded the motion.

Vote: 6 in favor - motion passes unanimously. (Mangia, DeBauche, Summerhayes, Merkl, Truax, Spink voted yes; McKelvey stated that she agreed with the vote).

REFORM PARTY OF THE UNITED STATES OF AMERICA

<http://www.reformparty.org/news/ec729.html>

Mangia reiterated that on July 9, 2000 the Executive Committee confirmed Paul Truax's continuation as a member of the Executive Committee because the illegal southwest regional recall meeting did not follow proper procedure based on the RPUSA Constitution and Roberts Rules of Order.

Mangia made a motion that the alleged northwest recall meeting failed to follow the rules of the party and was therefore illegal; and that LuAnn Jones is reconfirmed as the Northwest regional representative to the Executive Committee. Anne Merki seconded.

Discussion. Merki discussed evidence that the northwest recall attempt was in direct violation of the rules and did not follow proper procedure. She read sections from Roberts Rules of Order (pp. 15, 16) which describe the necessity for "cause" in any recall proceeding and that cause was defined as "misconduct." The RPUSA Constitution abides by Roberts Rules of Order as written in Article XII (Parliamentary Authority). The RPUSA Constitution increased the percentage of members necessary for recall, but otherwise follows all other RROO procedures.

Jim Mangia stated that it would be a dangerous precedent to recall members of the party's governing bodies because they did or did not support a candidate seeking the party's presidential nomination. It was essentially an attempt to undermine the democratic procedures of the Reform Party for partisan political purposes. He also noted that both members against which the illegal recall attempts took place, had not endorsed a candidate for the presidential nomination. So they were being removed simply because they would not support Buchanan.

Micki Summerhayes stated that we already had precedent set by a federal judge on the procedures for recall and this did not follow that federal decision. Moreover, at the last Executive Committee meeting no due process on the issue was allowed. People were not allowed to speak, some members of the Executive Committee were removed from the call by Gerry Moan without a vote of the body. Micki expressed deep disappointment with Moan's behavior. "I want to hear both sides and have the opportunity to make a fair decision. That's what I was elected to do!"

LuAnn was asked to describe the recall attempts and the procedure followed. She revealed that the first recall attempt, the Colorado Reform Party was not notified. She was never charged or shown cause and she received notice less than 24 hours before the meeting (on July 1). The second recall attempt was on July 19 - there was six days notice. No cause or charges were brought. A Colorado national committee member asked for the charges or cause and they refused to give the reasons for the recall. Gerry Moan admitted that the National Reform Party paid for the call, without approval of the Executive Committee. Lu Ann was not given the password to participate and defend herself. She stated that the recall attempt conference call-in number was the same as the Executive Committee later that evening, so perhaps there was some kind of mix-up. She tried to get into the meeting but the operator would not put her through and she didn't have the password. As well, LuAnn revealed that she had just received a registered letter which was postmarked on July 18, 2000 calling for a northwest recall meeting on August 8. LuAnn stated that the recall attempts started after she refused to sign a pledge for Pat Buchanan.

Micki Summerhayes stated that five members of the Executive Committee had been targeted for recall in the last month and that was sabotage and a violation of the principles of this party. A motion was made to call the question. No opposition. Question was called.

Vote on Mangia's motion that the so-called northwest regional recall meeting was illegal and that LuAnn Jones be reaffirmed as the northwest regional representative to the Executive Committee.  
VOTE: Mangia (yes); DeBauche (yes); Merki (yes); Truax (yes); Spink (yes); Summerhayes (yes).  
Diane McKelvey stated she would have voted yes.  
Motion passes unanimously 6 - 0.

Summerhayes made a motion to approve the agenda:  
Report of the Presidential Nominations Committee  
Report of the Credentials Committee  
Agenda for the August 8 National Committee meeting  
Treasurer's report  
Financial report of the Convention Committee

## New Business

Anne Merkl seconded. Vote: Mangia (yes); DeBauche (yes); Merkl (yes); Truax (yes); Spink (yes); Jones (yes). Diane McKelvey voices her support for the motion. Motion passes 7 - 0.

Dot Drew (credentials committee chair) gave her committee report. She stated that she has received credentials challenges in 42 states, some are multiple challenges. Dot stated that she pulled all of the information on the challenges together and would notify people of scheduled times when the challenges will be held.

Discussion. Micki stated that it was obvious that Dot Drew had done all the work for the credentials committee and she suggested the Executive Committee demand that Gerry Moan put in writing what he's going to do with regards to the credentials committee. Dot stated that she has always been and continues to be totally neutral, that she has been the credentials committee chair for each national convention since our founding and that she's been receiving threatening phone calls.

Sue DeBauche made a motion: In Section 6, Article 7 of the RPUSA Constitution it states that each special committee shall report to the Executive Committee. The Executive Committee instructs Jim Mangia to write a memo to Gerry Moan, that the Committee wants to see financial receipts, the budget and his plan for the credentials committee. Sue withdrew the motion to allow further discussion on the credentials committee report.

Mick Summerhayes stated that she believed Gerry Moan was intentionally trying to destroy the party. She believed that he could appoint committee chairs, but whomever he appoints must sit and be accountable to the Executive Committee. Frank Reed does not have the capability to do that, and by sitting as Chair of two committees is violating the RPUSA Constitution. In a conversation Micki had with Frank Reed, he stated that he believed the credentials committee chair could arbitrarily decide if challenges were "frivolous." No one has ever been seated without a vote of the national convention. For Gerry Moan to pull this away from Dot, when she has been totally fair and experienced - is a dereliction of duty. Moan is bound to do what the Executive Committee votes for him to do!

At this time, Michael Farris called into the Executive Committee meeting to give the Presidential Nominations Committee report. (Truax stated that we would continue with the credentials committee report after we dealt with Mic's report since he was called in from California).

Michael Farris reported that there were two motions discussed at the Presidential Nominations Committee (PNC) meeting the previous evening, one made by Harry Kresky and one made by Michael Farris. Both were defeated and no action was taken by the PNC. Mic noted that Gerry Moan, Tom McLaughlin and Dave Goldman voted against both motions. Michael Farris also stated that with respect to the rules, Moan and McLaughlin had the right to participate in the meeting, but in his opinion as the Chairman of the Committee, they should never have done so. The fact that Moan and McLaughlin chose to do so at the last meeting of the PNC - they were injecting partisanship at the last remaining meeting in support of Pat Buchanan. Mic stated that he expressed "professional anger" since the process had been nonpartisan before that point and neither Moan nor McLaughlin had ever participated before. Farris read the motions presented to the PNC. He stated that Buchanan has shown, and continues to show contempt for the PNC and the primary process and it's regulation of that process. Kresky's motion summarized, stated that since fraud had been committed by the Buchanan campaign with regards to the submission of ineligible and illegal names for the primary, and that the Buchanan campaign refused to comply with the audit and verification of his submissions, and that Bay Buchanan had stated in a letter that they did not recognize the authority of the PNC, Buchanan should be disqualified from the primary.

Mangia read the letter from Bay Buchanan into the minutes.

*"July 24, 2000; Dear Messrs. Kresky and Goldman: We have consulted with Dale Cooter, Esq., legal counsel for the Reform Party, and he has told us that the Presidential Nominations Committee has no authority to investigate such questions as you propose to investigate, after the nominees have been determined and ballots have been distributed. Any concerns about the procedures by which the balloting is subsequently conducted must, according to Mr. Cooter, be dealt with at the Convention by the Convention delegates. Mr. Cooter further indicated that the Presidential Nominations Committee has no authority to create a subcommittee, for any purpose. Consequently, until you have established*

*that the Presidential Nominations Committee has the authority to take the actions you are purporting to take, we must decline to participate in this apparently ultra vires activity. If you can establish that authority, we are prepared to appoint a representative. Sincerely, Angela M. Buchanan."*

Lu Anne Jones quoted the Presidential Nominations Committee (PNC) rules, Section 2, Article 4 which states in writing the ability of the PNC to appoint subcommittees.

Discussion and questions.

Jim Mangia read the appeal filed by John Hagelin with regards to the fraud charges against Buchanan.

*"Dear Mr. Chairman and Members of the Executive Committee: In light of evidence that has recently emerged, under Section VI of the Rules for the Selection of Reform Party of the United States Nominees for President (hereafter referred to as "the Rules"), the Hagelin campaign is appealing to the Executive Committee several resolutions of the Presidential Nominations Committee (hereafter referred to as "the PNC"), requesting that the Executive Committee reverse these decisions.*

*Evidence: This appeal is based on the following evidence: 1) The Buchanan campaign fraudulently and intentionally submitted its campaign database for ballot mailing in clear violation of the Rules Section III (4) which stipulates that a candidate can only submit: 'the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3).' Evidence of this violation is shown by affidavits by persons who did not request*

Discussion.

Executive Committee voted to recess to look over the evidence presented.

Executive Committee reconvened fifteen minutes later.

Discussion. People raised major concerns about the Buchanan campaign's refusal to submit to an independent audit and to submit proof to back up the validity of their list, as required by the PNC rules.

Executive Committee Resolution:

Motion made by June Spink. Seconded by Jim Mangia:

*"Whereas, the rules of the Reform Party's duly authorized special committee, the Presidential Nominations Committee, permit every party National Officer to participate in an ex-officio capacity, and Whereas, no party National Officer has exercised that privilege throughout the existence of the Presidential Nominations Committee until the committee was preparing to consider whether or not to take corrective action to insure the integrity, trust and verifiability of the Party's nomination process; and Whereas, the injection of the two ex-officio National Officers prevented the Presidential Nominations Committee from effectively completing their due diligence as the committee saw fit; and Whereas, the Executive Committee believes that the two National Officers injected themselves into the Presidential Nominations Committee at this late date for political reasons which serve only to frustrate the orderly conduct of the Presidential Nominations Committee, now therefore be it:*

*Resolved, the Executive Committee hereby reprimands Vice Chairman Moan and Treasurer McLaughlin for violating the First Principle of Reform: "set the highest ethical standard," by putting their political preferences ahead of the honesty and integrity of the Reform Party to the benefit of one particular candidate over the Party's obligation to provide a nomination process that is fair, open, democratic, trusted and verifiable, and that was agreed to by all candidates."*

Vote:

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey	registered her vote as yes.

Motion passed 7 - 0 (unanimously).

Discussion. Micki Summerhayes wanted it stated for the record that Buchanan has refused to comply

with an independent audit, has threatened the Executive Committee and members of the Presidential Nominations Committee with lawsuits and has re-taken possession of the list and not allowed Hagelin to campaign to it through an independent mail house (which would have protected its confidentiality). In addition, given financial restraints, the party was unable to mail literature to all receivers of Reform Party presidential primary ballots making Hagelin's ability to campaign to the full list critical for a fair primary process.

**Executive Committee Resolution:**

Motion made by Anne Merkl, seconded by Jim Mangia.

"Whereas, the burden of proving voters names submitted by a candidate or his campaign comply with the Party's rules for eligible voters rests solely upon the candidate; and Whereas, the Buchanan campaign has failed to comply with the proper directives of the Presidential Nominations Committee to disclose the supporting documentation which would prove the eligibility of some 500,000 names submitted by the Buchanan campaign; and Whereas, Pat Buchanan, through his campaign's deliberate disregard for a fair, open and verifiable presidential nominations process has rendered the Reform Party's eligible voter list unverifiable to the membership, the Party officers, the Party's election Judges (in the form of the Presidential Nominations Committee) and the public; now, therefore be it

Resolved, Pat Buchanan has disqualified himself from receiving any verifiable votes and is hereby disqualified from the mail-in ballot for the Reform Party presidential nomination."

**Vote:**

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Motion passed 7 - 0 (unanimously).

Micki added that the reason she has voted yes is because Buchanan still has the option to overturn the decision at the National Convention by two-thirds, but stated that she voted yes because the Executive Committee must uphold the integrity of the process. Buchanan brought this upon himself by refusing to comply with the Presidential Nominations Committee. Other Executive Committee members made comments in support of Summerhayes' statement.

Sue Harris DeBauche made a motion to reconsider the previous motion to disqualify Buchanan from the primary ballot. Anne Merkl seconded.

**Vote:**

DeBauche	Abstain	Truax	No
Summerhayes	No	Spink	No
Merkl	No	Jones	No
Mangia	No	McKelvey recorded her vote as no.	

Motion fails 6 - 0 with 1 abstention.

Sue Harris DeBauche made a motion to rescind the previous motion to disqualify Buchanan from the primary ballot. Anne Merkl seconded.

**Vote:**

DeBauche	Yes	Truax	No
Summerhayes	No	Spink	No
Merkl	No	Jones	No
Mangia	No	McKelvey recorded her vote as no.	

Motion fails 6 - 1.

**Executive Committee Resolution:**

Motion made by June Spink, Seconded by Micki Summerhayes.

"Whereas the Party has an obligation to conduct an open, fair, democratic, trusted and verifiable presidential nominations process; let it be

Resolved, the Executive Committee hereby rescinds any expressed or implied confidentiality, acquired by any campaign organization or agent of any candidate for the Party's nomination, of qualified voters

permitted to take part in the Party's presidential nominations process entered into, given or implied by the Executive Committee, any National Officer, any Standing, Special or Sub Committee or any agent acting on behalf of a Committee or the Party."

Vote:

DeBauche	Abstain	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey recorded her vote as yes.	

Motion passes 6 - 0 with 1 abstention.

The Executive Committee moved back to the agenda item on Credentials. There was a discussion about the Chair's authority to appoint committee chairs, and the Executive Committee's authority to instruct the national Chairman, and the fact that he is bound by the decisions of the Executive Committee.

Unanimous vote to recess for 10 minutes.

Executive Committee meeting reconvenes,

Executive Committee resolution:

Motion made by Anne Merkl, seconded by Sue Harris DeBauche.

"The Executive Committee hereby directs Mr. Gerry Moan to reappoint, effective immediately, Dot Drew as Credentials Committee Chair and that he further instructed that there will be no more changes to this or any other committee until the close of the National Convention."

Vote:

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Motion passes unanimously 7 - 0.

Executive Committee Resolution:

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Gerry Moan to submit an in depth, written financial report on the Convention Committee 2000 by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Vote: Motion passed 7 - 0 (unanimously).

Executive Committee Resolution:

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Tom McLaughlin to submit an in depth, written financial report on the RPUSA by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Vote: Motion passed 7 - 0 (unanimously).

Executive Committee Resolution:

REFORM PARTY OF THE UNITED STATES OF AMERICA

<http://www.reformparty.org/news/ec729.html>

Motion made by Sue Harris DeBauche. Seconded by June Spink.

"In accordance with Federal Election Commission guidelines, the Executive Committee instructs Gerry Moan as Chair of the Convention Committee to pay all reasonable expenses related to and incurred by the Credentials Committee chaired by Dot Drew, upon submission."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by Anne Merkl. Seconded by June Spink.

"Be it resolved that the Chairman or Acting Chairman of the RPUSA can only make parliamentary rulings in a meeting, and these rulings must be made in a meeting where they are subject to an appeal. Further be it resolved that according to Parliamentary Rules, the Chairman can make no rulings outside a meeting."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that the RPUSA Convention Committee Chairman Gerry Moan, is hereby instructed to reimburse Dror Bar-Sadeh (Communications Committee Chairman) for \$375 for convention related software purchases."

Vote: Motion passed 7 - 0 (unanimously).

It was noted that there have been no financial statements submitted to the Executive Committee by either Gerry Moan for the Convention Committee or Tom McLaughlin for the general Reform Party account.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Sue Harris DeBauche.

"Be it resolved that the Executive Committee of the RPUSA instructs Interim Treasurer Tom McLaughlin to reimburse the Executive Committee for travel to the in-person Executive Committee meeting on July 29, 2000 in Dallas Texas."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"To approve the following agenda for the National Committee meeting: Credentialing/registration report by the National Secretary; Seating of National Committee members; Approval of agenda; Review of Convention Arrangements."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by June Spink.

"Whereas the Convention Committee is a special committee defined in Article VII of the RPUSA Constitution, and is therefore subject to the Executive Committee under Section 4 and Article VII; and Whereas, Article VIII, Section 9 subjects all party National Officers to the proper directives and actions of the Executive Committee; now therefore be it

Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby limited to represent the Reform Party and any of its committees and officers in the case known as the Lynchburg appeal of Judge Moon's order of March 27, 3000; and be it forth

Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby instructed to take no action or representation contrary to any resolutions adopted by the Executive Committee at the Executive Committee meeting of July 29, 2000;

Further resolved that Paul Truax is designated as the only liaison representative of the Reform Party to instruct Attorney Dale Cooter."

REFORM PARTY OF THE UNITED STATES OF AMERICA

<http://www.reformparty.org/news/ec729.html>

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). Anne Merkl seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 -- 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that no payment be made, by the RPUSA or the Convention Committee 2000, to Attorney Dale Cooter or the law firm of Cooter/Mangold, without prior approval of the Executive Committee."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee instructs Gerry Moan, Convention Committee Chairman, to reimburse Press Secretary Donna Donovan for all convention-related expenditures, including, but not limited to phone expenses."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee appoints Judy Duffy to be in charge of all security arrangements, contracts and direction for the Long Beach National Committee and National Convention meetings."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion to adjourn, made by Jim Mangia. Seconded by Anne Merkl.

Vote: Motion passed 7 - 0 (unanimously).

Meeting adjourned at 8pm CST.

Respectfully submitted,  
Jim Mangia  
National Secretary

Resolutions from the Executive Committee on July 29, 2000

<http://www.reformparty.org/news/ec72900.html>

Resolutions from the Executive Committee on July 29, 2000

**Executive Committee Resolution #1:**

Motion made by Jim Mangia, seconded by Anne Merkl.

"The alleged northwest regional recall attempt was in direct violation of the rules and did not follow proper procedure as laid out in the RPUSA Constitution and Roberts Rules of Order. Therefore it is moved that the recall was illegal and that LuAnn Jones is reconfirmed as the Northwest Regional Representative to the Executive Committee."

Vote: motion passed, 6 - 0 (unanimously).

**Executive Committee Resolution #2:**

Motion made by Micki Summerhayes to "approve the agenda for the Executive Committee meeting: Report of the Presidential Nominations Committee; Report of the Credentials Committee; Agenda for the August 8 National Committee meeting; Treasurer's Report; Financial Report of the Convention Committee; New Business." Seconded by Anne Merkl. Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #3:**

Motion made by June Spink. Seconded by Jim Mangia:

"Whereas, the rules of the Reform Party's duly authorized special committee, the Presidential Nominations Committee, permit every party National Officer to participate in an ex-officio capacity, and Whereas, no party National Officer has exercised that privilege throughout the existence of the Presidential Nominations Committee until the committee was preparing to consider whether or not to take corrective action to insure the integrity, trust and verifiability of the Party's nomination process; and Whereas, the injection of the two ex-officio National Officers prevented the Presidential Nominations Committee from effectively completing their due diligence as the committee saw fit; and Whereas, the Executive Committee believes that the two National Officers injected themselves into the Presidential Nominations Committee at this late date for political reasons which serve only to frustrate the orderly conduct of the Presidential Nominations Committee, now therefore be it:

Resolved, the Executive Committee hereby reprimands Vice Chairman Moan and Treasurer McLaughlin for violating the First Principle of Reform: "set the highest ethical standard," by putting their political preferences ahead of the honesty and integrity of the Reform Party to the benefit of one particular candidate over the Party's obligation to provide a nomination process that is fair, open, democratic, trusted and verifiable, and that was agreed to by all candidates."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #4:**

Motion made by Anne Merkl, seconded by Jim Mangia.

"Whereas, the burden of proving voters names submitted by a candidate or his campaign comply with the Party's rules for eligible voters rests solely upon the candidate; and Whereas, the Buchanan campaign has failed to comply with the proper directives of the Presidential Nominations Committee to disclose the supporting documentation which would prove the eligibility of some 500,000 names submitted by the Buchanan campaign; and Whereas, Pat Buchanan, through his campaign's deliberate disregard for a fair, open and verifiable presidential nominations process has rendered the Reform Party's eligible voter list unverifiable to the membership, the Party officers, the Party's election Judges (in the form of the Presidential Nominations Committee) and the public; now, therefore be it

Resolved, Pat Buchanan has disqualified himself from receiving any verifiable votes and is hereby disqualified from the mail-in ballot for the Reform Party presidential nomination."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #5:**

Motion made by June Spink. Seconded by Micki Summerhayes.

"Whereas, the Party has an obligation to conduct an open, fair, democratic, trusted and verifiable presidential nominations process; let it be

Resolved, the Executive Committee hereby rescinds any expressed or implied confidentiality, acquired by any campaign organization or agent of any candidate for the Party's nomination, of qualified voters permitted to take part in the Party's presidential nominations process entered into, given or implied by the Executive Committee, any National Officer, any Standing, Special or Sub Committee or any agent

Resolutions from the Executive Committee on July 29, 2000

<http://www.reformparty.org/news/ec/2900.html>

acting on behalf of a Committee or the Party."

Vote: Motion passed 6 - 0 with 1 abstention (Sue Harris DeBauche).

**Executive Committee Resolution #6:**

Motion made by Anne Merkl. Seconded by Sue Harris DeBauche.

"The Executive Committee hereby directs Mr. Gerry Moan to reappoint, effective immediately, Dot Drew as Credentials Committee Chair and that he is further instructed that there will be no more changes to this or any other committee until the close of the National Convention."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #7:**

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Gerry Moan to submit an in depth, written financial report on the Convention Committee 2000 by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #8:**

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Tom McLaughlin to submit an in depth, written financial report on the RPUSA by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #9:**

Motion made by Sue Harris DeBauche. Seconded by June Spink.

"In accordance with Federal Election Commission guidelines, the Executive Committee instructs Gerry Moan as Chair of the Convention Committee to pay all reasonable expenses related to and incurred by the Credentials Committee chaired by Dot Drew, upon submission."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #10:**

Motion made by Anne Merkl. Seconded by June Spink.

"Be it resolved that the Chairman or Acting Chairman of the RPUSA can only make parliamentary rulings in a meeting, and these rulings must be made in a meeting where they are subject to an appeal. Further be it resolved that according to Parliamentary Rules, the Chairman can make no rulings outside a meeting."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #11:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that the RPUSA Convention Committee Chairman Gerry Moan, is hereby instructed to reimburse Dror Bar-Sadeh (Communications Committee Chairman) for \$375 for convention related software purchases."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #12:**

Motion made by June Spink. Seconded by Sue Harris DeBauche.

"Be it resolved that the Executive Committee of the RPUSA instructs Interim Treasurer Tom McLaughlin to reimburse the Executive Committee for travel to the in-person Executive Committee meeting on July 29, 2000 in Dallas Texas."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #13:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"To approve the following agenda for the National Committee meeting: Credentialing/registration report

Resolutions from the Executive Committee on July 29, 2000

<http://www.reformparty.org/news/ec72900.html>

by the National Secretary; Seating of National Committee members; Approval of agenda; Review of Convention Arrangements."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #14:**

Motion made by Jim Mangia. Seconded by June Spink.

"Whereas the Convention Committee is a special committee defined in Article VII of the RPUSA Constitution, and is therefore subject to the Executive Committee under Section 4 and Article VII; and Whereas, Article VIII, Section 9 subjects all party National Officers to the proper directives and actions of the Executive Committee; now therefore be it

Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby limited to represent the Reform Party and any of its committees and officers in the case known as the Lynchburg appeal of Judge Moon's order of March 27, 2000; and be it forth

Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby instructed to take no action or representation contrary to any resolutions adopted by the Executive Committee at the Executive Committee meeting of July 29, 2000;

Further resolved that Paul Truax is designated as the only liaison representative of the Reform Party to instruct Attorney Dale Cooter."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #15:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that no payment be made, by the RPUSA or the Convention Committee 2000, to Attorney Dale Cooter or the law firm of Cooter/Mangold, without prior approval of the Executive Committee."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #16:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee instructs Gerry Moan, Convention Committee Chairman, to reimburse Press Secretary Donna Donovan for all convention-related expenditures, including, but not limited to phone expenses."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #17:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee appoints Judy Duffy to be in charge of all security arrangements, contracts and direction for the Long Beach National Committee and National Convention meetings."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution #18:**

Motion to adjourn, made by Jim Mangia. Seconded by Anne Merkl.

Vote: Motion passed 7 - 0 (unanimously).

Minutes to follow..

**Attachment 2**

FEDERAL ELECTION COMMISSION

JAMES MANGIA,

VS.

PATRICK J. BUCHANAN, BUCHANAN FOR  
PRESIDENT CAMPAIGN COMMITTEE, A/K/A  
BUCHANAN REFORM, ANGELA BAY  
BUCHANAN, AND GERALD M. MOAN,

**SWORN SUPPLEMENT**

Pursuant to 2 U.S.C. 437g(a)(1), and 11 CFR 111.4, JAMES MANGIA ("Mangia" or  
hereby files his Sworn Supplement to his previously filed Original Sworn  
against PATRICK J. BUCHANAN, BUCHANAN FOR PRESIDENT CAMPAIGN  
COMMITTEE, A/K/A BUCHANAN REFORM, ANGELA BAY BUCHANAN, AND GERALD  
M. MOAN (collectively referred to as the "Respondents"). represents to the Federal  
Election Commission as follows:

I.

**INTRODUCTION**

Since the filing of my Original Sworn by unanimous vote of the Reform Party  
National Convention, I have become the duly elected National Party Chair of the Reform Party of  
the United States of America. In addition, the Reform Party of the United States of America has  
elected John Hagelin as its candidate for the Office of the President of the United States, and Nat

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
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Goldhaber as its candidate for the Office of the Vice-President of the United States.<sup>1</sup> Furthermore, upon information and belief, on or about August 15, 2000, John Hagelin and Nat Goldhaber filed their certification letter with the FEC.<sup>2</sup>

This Sworn Supplement is made, and is being submitted to the FEC because, since the filing of Complainant's Original Sworn \_\_\_\_\_, it is believed that Patrick J. Buchanan, Buchanan For President Campaign Committee, a/k/a Buchanan Reform, Angela Bay Buchanan, and Gerald M. Moan, have violated and/or are preparing to violate federal election campaign funding laws, over which the Federal Election Commission (the "FEC") has jurisdiction.

Complainant has both personal knowledge, and knowledge based upon information and belief, that the Respondents have given and/or are prepared to give false statements to the FEC, in connection with the FEC's certification of the Reform Party of the United States of America's (the "Reform Party") nominee for the Offices of the President and Vice-President of the United States. Complainant hereby supplements his Original Sworn \_\_\_\_\_ with additional evidence. Specifically, Complainant hereby incorporates the Resolutions of the Reform Party National Committee, of August 8, 2000, true and correct copies of which are attached hereto as Exhibit "C," and incorporated into the Original Sworn Complaint for all purposes. Complainant further supplements his Original Sworn \_\_\_\_\_ by incorporating the official transcript of the August 8, 2000, National Committee Meeting chaired by Respondent Gerald M. Moan, a true and correct copy of which is attached hereto as Exhibit "D," and incorporated into the Original Sworn \_\_\_\_\_ for

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<sup>1</sup>See a true and correct copy of The Reform Party National Convention Resolution of August 12, 2000, certifying John Hagelin and Nat Goldhaber, attached hereto as Exhibit "A," and incorporated herein for all purposes.

<sup>2</sup>See a true and correct copy of John Hagelin and Nat Goldhaber's certification letter to the FEC, attached hereto as Exhibit "B," and incorporated herein for all purposes.

all purposes. Support for the Original Sworn Complaint is further supplemented by the Affidavits of Sue Harris DeBauche, Frank M. MacKay, and James Mangia which are attached hereto as Exhibits "E," "F," and "G" respectively, and made part of the Original Sworn for all purposes.

## II.

Since the filing of my Original Sworn Complaint, upon information and belief, Respondents, by controlling a rogue faction of the Reform Party, have held an illegal convention under the name of the Reform Party of the United States. At this illegal convention, upon information and belief, Respondents illegally overturned the directives and resolutions of the Reform Party Presidential Nominations Committee (the "PNC"), the Executive Committee, and the proper and lawfully constituted Reform Party of the United States of America.<sup>3</sup> Specifically, upon information and belief, Respondents, during their independent, private, and illegal convention, abolished the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States, and conducted an invalid and illegal floor vote. Such action is expressly prohibited by the Reform Party Rules in a presidential election year.<sup>4</sup>

This rogue faction, headed by Respondent Gerald M. Moan, fraudulently claims to be the lawful Reform Party of The United States of America. Through their illegal use of the Reform Party of The United States of America name, as well as the illegal use of Public Funds earmarked for the

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<sup>3</sup>See *Original Sworn*, Exhibits "G" and "J."

<sup>4</sup>See Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States, Section I-(2)(c), attached to the *Original Sworn* as Exhibit "B."

Reform Party nominating convention, Respondents have wrongfully and fraudulently attempted to have Patrick J. Buchanan and Ezola Foster become the Reform Party Nominees for the Offices of the President and Vice-President of the United States, respectively. Upon information and belief, these actions by Respondents, including Patrick J. Buchanan purporting to claim to be the Reform Party Presidential Nominee, and Ezola Foster purporting to claim to be the Reform Party Vice-Presidential nominee, constitute balloting and voter fraud.

Upon information and belief, Respondent, Patrick J. Buchanan and Ezola Foster has already represented to the FEC that they are the Reform Party Nominees for the Offices of the President and Vice-President of the United States, respectively. This, or any such representation made to the FEC by, or on behalf of Respondent Patrick J. Buchanan, Respondent Gerald M. Moan, any of the Respondents, or anyone, that Patrick J. Buchanan is the valid and lawful Reform Party Nominee for the Office of the President of the United States, and that Ezola Foster is the valid and lawful Reform Party Nominee for the office of the Vice-President of the United States, constitutes a false, fictitious, and fraudulent representation to the FEC, in violation of 26 U.S.C. 9012(d)(1).

### CONCLUSION

... represents to the FEC that he is the only lawful National Party Chair of the Reform Party of the United States of America, and that any claim by Respondent Gerald M. Moan that he is the National Party Chair of the Reform Party of the United States of America is false.

... represents to the FEC that the only lawful nominee for the Office of the President of the United States for the Reform Party of the United States of America is John Hagelin, and the only lawful nominee for the Office of the Vice-President for the Reform Party of the United States of America is Nat Goldhaber. ... further represents to the FEC that any prior or future

representation by any of Respondents, or anyone, that Patrick J. Buchanan and Ezola Foster are the valid and lawful nominees for the Offices of the President and Vice-President of the United States, respectively, for the Reform Party of the United States of America, is false, fictitious, and fraudulent.

respectfully requests that the FEC investigate his Sworn, as supplemented with the additional evidence set forth and incorporated in this Sworn Supplement.

further requests that until such investigation has been completed, that the FEC withhold making its decision regarding certification of the Reform Party nominees for the Offices of the President and Vice-President of the United States of America to the Secretary of the Treasury.

will continue to supplement and amend his as expected and anticipated further activities and or violations of this nature occur.

Respectfully submitted,



James Mangia

Counsel

David J. White  
State Bar No. 21294500  
Burton D. Brillhart  
State Bar No. 00797863  
GODWIN WHITE & GRUBER, P.C.  
901 Main Street, Suite 2500  
Dallas, Texas 75202  
Telephone No.: 214/939-4400  
Fax No.: 214/760-7332

THE STATE OF CALIFORNIA   §  
  §  
  §  
COUNTY OF LOS ANGELES   §

Before me, the undersigned Notary Public, on this day personally appeared James Mangia known to me to be the same, who after being duly sworn by me deposes and states that he is over the age of 18 years and is fully competent to make this Affidavit; that he has read the above Sworn Supplement to Original Sworn Complaint against Patrick J. Buchanan, Buchanan for President Campaign Committee, A/K/A Buchanan Reform, Angela Bay Buchanan, and Gerald M. Moan, and that every statement contained therein, unless noted that it is based upon information and belief, is within his personal knowledge and is true and correct.

James Mangia  
James Mangia

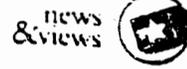
T.J.  
AUG 23 2000

SUBSCRIBED AND SWORN TO BEFORE ME by James Mangia, on this 23<sup>rd</sup> day of August, 2000.



Tatiana Janashvili  
Notary Public in and for the State of California

My Commission Expires:  
03-27-04



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August 13, 2000

REFORM PARTY OF THE UNITED STATES OF AMERICA  
P.O. Box 9  
Dallas, Texas 75221

**REFORM PARTY NATIONAL CONVENTION RESOLUTION**

Be advised that the Reform Party of the USA has officially nominated John Hagelin as its candidate for the office of President of the United States

and Nat Goldhaber as its candidate for the office of Vice President of the United States.

These nominations were made and certified at the National Presidential Nominating Convention in Long Beach, Ca on August 12, 2000.

No affiliated State Party may authorize any other person for placement on the ballot as a Reform Party candidate for the office of President or Vice President other than those named above. Any individual attempting to certify any other candidate is not acting as a legitimate agent of a Reform Party affiliate and their attempts or actions have no force or affect.

**EXHIBIT "A"**

ATTACHMENT 2  
Page 7 of 220

August 14, 2000

The Honorable Darryl R. Wold, Chairman  
Federal Elections Commission  
999 E Street, NW  
Washington, DC 20463

Dear Chairman Wold:

Pursuant to 26 U.S.C. § 9003 and 11 C.F.R. § 9003.1, this letter certifies that we, as the candidates (as defined in 26 U.S.C. § 9002(2)(B)) of the Reform Party for President and Vice President of the United States, and our authorized campaign committee(s) for the general election, as a condition to our acceptance of general election financing from the Presidential Election Campaign Fund, will comply with the conditions set forth in 11 C.F.R. § 9003.1(b) as to eligibility for payments from the Presidential Election Campaign Fund as enumerated below:

1. We have the burden of proving that disbursements made by us or any authorized committee or agent thereof are qualified campaign expenses as defined in 11 C.F.R. § 9002.11.
2. We and our authorized committee(s) shall comply with the documentation requirements set forth at 11 C.F.R. § 9003.5.
3. We and our authorized committee(s) shall provide an explanation, in addition to complying with the documentation requirements, of the connection between any disbursements made by us or our authorized committee(s) and the campaign, if requested by the Commission.
4. We and our authorized committee(s) will keep and furnish to the Commission all documentation relating to receipts and disbursements, including any books, records (including bank records for all accounts), all documentation required to be maintained by the Commission's Regulations including that documentation required to be maintained under 11 C.F.R. § 9003.5 and other information that the Commission may request. To the extent we maintain or use computerized information containing any of the categories of data listed in 11 C.F.R. § 9003.6(a) our committee(s) will provide computerized magnetic media (such as magnetic tapes or magnetic diskettes) containing the computerized information that meets the requirements of 11 C.F.R. § 9003.6(b) at the times specified in 11 C.F.R. § 9007.1(b)(1). Upon request of the Commission, we agree to provide documentation explaining our computer system's software capabilities and to make available such personnel as are necessary to explain

ATTACHMENT 2  
Page 8 of 220

EXHIBIT "B"

the operation of the system's software and computerized information prepared or maintained by the committee(s).

5. We and our authorized committee(s) shall obtain and furnish to the Commission upon request all documentation relating to the funds received and disbursements made on our behalf by other political committees and organizations associated with us.
6. We and our authorized committee(s) shall permit an audit and examination pursuant to 11 C.F.R. part 9007 of all receipts and disbursements, including those made by us, any authorized committee and any agent or person authorized to make expenditures on behalf of us or our authorized committee(s). We and our authorized committee(s) shall facilitate the audit by making available in one central location, office space, records and such personnel as are necessary to conduct the audit and examination, and shall pay any amounts required to be repaid under 11 C.F.R. part 9007.
7. The name and mailing address of the person who is entitled to receive payments from the Fund on our behalf is:

Blanche Woodward  
PO Box 1900  
Fairfield, LA 52556

The name and address of the depository designated by us as required by 11 C.F.R. part 103 and 11 C.F.R. § 9005.2 is :

Iowa State Bank and Trust Company  
101 N. Court Street  
Fairfield, LA 52556

Payments from the Fund are to be made to the account at Iowa State Bank and Trust Bank Company as depository under the name of "Hagelin 2000".

8. We and our authorized committee(s) shall comply with the applicable requirements of 2 U.S.C. 431 *et seq.*, 26 U.S.C. § 9001 *et seq.*, and the Commission's Regulations at 11 C.F.R. parts 100-116 and 9001-9012.
9. We and our authorized committee(s) shall pay any civil penalties included in a conciliation agreement or otherwise imposed under 2 U.S.C. § 437g against us or our authorized committee(s) or any agent thereof.
10. Any television commercial prepared or distributed by us or our authorized committee(s) will be prepared in a manner that ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.
11. We and our authorized committee(s) will file all reports with the Commission in an electronic format as explained in 11 CFR part 9003.2, that meets the requirements of 11 CFR §104.18 if we and our authorized committee(s) maintain or use computerized information containing any of the information described in 11 CFR §104.3.

ATTACHMENT 2  
Page 9 of 220

Additionally, pursuant to 26 U.S.C. § 9003 and 11 C.F.R. § 9003.2, and under penalty of perjury, we certify to the Commission as a condition to our acceptance of general election financing from the Presidential Election Campaign Fund as follows:

1. Neither of us, nor our authorized committee(s), have incurred nor will incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under 11 C.F.R. part 9004.1;
2. No contributions to defray qualified campaign expenses have been or will be accepted by us or by our authorized committee(s) except to the extent that the qualified campaign expenses incurred exceed the aggregate payments received by us from the Fund under 11 C.F.R. part 9004.2; and
3. We will not knowingly make expenditures from our personal funds, or from the personal funds of our immediate families, in connection with our general election campaign for the Offices of President and Vice President of the United States in excess of \$50,000 in the aggregate, as explained at 11 C.F.R. § 9003.2 (c)(3).

In light of the above, we ask that you certify to the Secretary of the Treasury our eligibility for the payments to which we are entitled under 26 U.S.C. § 9001 et seq. and 11 C.F.R. parts 9001-9005 et seq.

Please notify us if you require any further information in this matter.

Sincerely,

  
John Hagelin

  
Nat Goldhaber.

cc: The Honorable Danny L. McDonald, Vice Chairman  
The Honorable David M. Mason, Commissioner  
The Honorable Karl J. Sandstrom, Commissioner  
The Honorable Bradley A. Smith, Commissioner  
The Honorable Scott E. Thomas, Commissioner

ATTACHMENT 2  
Page 10 of 220



Reform Party of USA  
P.O. Box 9  
Dallas, Tx 75221

CHAIRMAN - Jim Mangia  
SECRETARY - Dror Bar-Sadeh

VICE CHAIR - Sue Harris Debauche  
TREASURER - Harry Kresky

AUGUST 8, 2000  
LONG BEACH, CALIFORNIA  
REFORM PARTY USA NATIONAL COMMITTEE RESOLUTIONS

**National Committee Resolution #1**

"Officially move the August 8, 2000 National Committee meeting from the Westin Hotel to the Renaissance Hotel."

**National Committee Resolution # 2**

"Affirm the vote of the Executive Committee to disqualify Patrick Buchanan's candidacy as a presidential candidate of the Reform Party."

**National Committee Resolution # 3**

"Instruct the Executive Committee to meet to perform their duties according to Section 7A of the Reform Party Constitution."

**National Committee Resolution #4**

"Confirm the Executive Committee decision that Dot Drew is the Chairwoman of the 2000 National Convention Credential's Committee, and that the committee chaired by Dot Drew, is the only lawful Reform Party Convention Credential's Committee."

**National Committee Resolution #5**

"Remove Cedric Scofield, and to seat Diane McKelvey as the Mid-West Regional Representative."

**National Committee Resolution #6**

"That the National Committee ratify the Executive Committee's decision upholding the election of Paul Truax and Lou Anne Jones as Regional Representatives and ruling that their recall was improper and void."

**National Committee Resolution #7**

"Affirm the presidential nominating process and that it can't be rescinded or changed in the presidential election year, and that it takes 2/3 of the elected delegates to the National Convention to overturn the primary vote."

**National Committee Resolution #8**

"Adopt the standing rules used at the 1999 Dearborn Convention, as the standing rules for the 2000 Convention in Long Beach, California."

**National Committee Resolution #9**

**EXHIBIT "C"**

ATTACHMENT 2  
Page 11 of 220

"That the National Committee ratify the Executive Committee's decisions from the past two months.

National Committee Resolution #10

"Ratify the Executive Committee decision to limit the legal services of Dale Cooter, and his law firm, to the handling of the Lynchburg Appeal only."

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REFORM PARTY NATIONAL COMMITTEE MEETING  
LONG BEACH, CALIFORNIA  
AUGUST 8, 2000

ATKINSON-BAKER, INC.

COURT REPORTERS

330 North Brand Boulevard, Suite 250

Glendale, California 91203

(818) 551-7300

REPORTED BY: Pamela Milin, CSR No. 7752, RPR

FILE NO.: 9A054E2

ATTACHMENT 2  
Page 13 of 220

TUESDAY, AUGUST 8, 2000; LONG BEACH, CALIFORNIA  
11:11 A.M.

GERALD MOAN: Ladies and gentlemen, could you please take your seats. That will probably be the last round of applause I get until Sunday. Does everybody have a little yellow sticky that ain't sticky?

Is the secretary ready to proceed?

JIM MANGIO: Yes, sir.

GERALD MOAN: My name is Gerry Moan. I'm the national chairman and chairman of the National Committee. Are we ready to go? Now, as you know, the media may be outside. They are ready for the brawl, the "Thrilla of Manila," call it what you will. I would hope, depending on where you come from, what you believe, whether you're pro-somebody, anti-somebody, or just here to cause trouble, if you're here to cause trouble or if you are vehemently opposed to what is going on, all I can ask you to do is act professional, with proper decorum. We will get through everything. We will mediate everything. We will negotiate everything.

But I would like to see, at the end of the day -- and there will be some hard feelings in

everybody's soul when we leave, but we must take the next step. The American people deserve a third-party voice. The infrastructure battles that we are going through will solve themselves by recruitment, by party building, by the following of the rules, as we commonly understand them.

Interpretation of rules is one of the things that Reform Party members pride themselves on; some rightly, some wrongly, some vehemently, and some meagerly. But we should decide, before we start, that we will be professional, we will treat each other with the respect that we deserve. You've all spent a lot of money in getting to Long Beach. But you, more importantly, spent a lot of time, effort, at the expense of our family lives, our pocketbooks, and et cetera, to get to where we are today. Take that into consideration. Love thy neighbor as thyself, and let's get through this.

But, Jim, why don't you come up; and we'll decide how we're going to do this. You can applaud for Jim.

JIM MANGIO: Thank you. Judy Duffy, I need another one of those lists of the challenges because -- yeah, that one (indicating), because there's -- somebody took it. All right. So I will go through the list. And let

me just explain a little difficulty, which I think --

UNIDENTIFIED SPEAKER: One small question. Are we going to begin with the Pledge?

JIM MANGIO: I think we should.

GERALD MOAN: Good point, Robert.

(Pause in proceedings for the Pledge of Allegiance.)

JIM MANGIO: Thanks, Bob. Okay. Let me just explain to you a little, without -- not in any way casting aspersions. I just want to explain to you, also, a little bit of a housekeeping piece which we're going to have to deal with. As you know, every state chair will know that there have been scheduled state conventions now, and there always are.

And the national party does not tell the state when they can have their convention. Gerry decided that August 1st would be the cutoff date for a base list; however, there have been a number of state conventions since then, in Wyoming, for example, and some other states. I think Texas, I got something, also. So what we're going to try to do is do that as a housekeeping piece.

So whether that state is challenged or not, the state chair recognizes who the legally recognized member of the National Committee is. Those people will be

brought in, and then we will go through the challenges. Now, they may very well be challenged and then not be able to vote, anyway. But everyone that's been duly elected in their states will be the initial list that we start with today, you know, so that we're -- everybody knows that their elections are valid until -- you know, like we did in every National Committee meeting. States are going to have their conventions up until the day before this meeting. Okay?

So I'm going to go through the list and tell you who's challenged, if I could figure it out. I don't think there's any challenge to Gerry Moan yet. Okay. Myself. Who is unchallenged? Is Tom McLaughlin here? Okay. Tom is not here. Is June Spink present?

JUNE SPINK: Here.

JIM MANGIO: Sue Harris Debauche?

SUE HARRIS DEBAUCHE: Here.

JIM MANGIO: Ann Merkl?

ANN MERKL: Here.

JIM MANGIO: Mickey Summerhayes?

MICKEY SUMMERHAYES: Here.

JIM MANGIO: Okay. And then the following three Executive Committee members have been challenged, so none of these will get to vote initially. Cedric Scofield, Paul Truachs, and Luanne Jones. Okay.



1 Alabama, Bob Belcher, Milton Morrow, and John  
 2 Van Sandt, are you three present?  
 3 UNIDENTIFIED SPEAKER: Yes.  
 4 UNIDENTIFIED SPEAKER: Yes.  
 5 JIM MANGIO: And, Bob, you're the state chair,  
 6 correct?  
 7 BOB BELCHER: Yes.  
 8 JIM MANGIO: Those are your people?  
 9 BOB BELCHER: Correct.  
 10 JIM MANGIO: Alaska? Alaska is not challenged. Ed  
 11 Wassell, Robert Lynn, and Robert Bird.  
 12 BOB LYNN: Morning. It should be Bob Lynn. I  
 13 registered to vote as Bob Lynn.  
 14 JIM MANGIO: Is it okay if we change that?  
 15 UNIDENTIFIED SPEAKER: We are all present,  
 16 Mr. Secretary.  
 17 JIM MANGIO: Thank you. There's no challenge? All  
 18 right. Could you stand, please? So far, I think  
 19 everyone who's being challenged is in the room. This is  
 20 another one. Okay. Arizona, Gene Kerkman, Margo  
 21 Whittenberg and Russ Whittenberg.  
 22 UNIDENTIFIED SPEAKER: We're here.  
 23 JIM MANGIO: Stand up. Okay. There's a challenge  
 24 to Arizona. Could we bring the Arizona challengers in,  
 25 please?

1 UNIDENTIFIED SPEAKER: All three seats?  
 2 JIM MANGIO: Yes.  
 3 JUDY DUFFY: To expedite while I'm getting them  
 4 together, could you go on with the next ones?  
 5 JIM MANGIO: Well, the next ones are challenged.  
 6 So --  
 7 JUDY DUFFY: Oh, okay.  
 8 JIM MANGIO: The one that's not challenged,  
 9 California, is here.  
 10 UNIDENTIFIED SPEAKER: Mr. Chairman?  
 11 JIM MANGIO: Yes?  
 12 UNIDENTIFIED SPEAKER: You want a state that is not  
 13 challenged?  
 14 JIM MANGIO: I want to call the roll in alphabetical  
 15 order so we're in line with everything, if I could,  
 16 thank you.  
 17 UNIDENTIFIED SPEAKER: With the challengers?  
 18 JIM MANGIO: If I could find them.  
 19 JUDY DUFFY: Point of order, Mr. Chair?  
 20 JIM MANGIO: Yes.  
 21 UNIDENTIFIED SPEAKER: I would suggest that you  
 22 continue with the roll call, but then we agree to the  
 23 docket for the challenges that the body itself decide  
 24 the order for challenges.  
 25 JIM MANGIO: But we've got to pull them in -- oh,

1 you mean just go through --  
 2 GERALD MOAN: Just verify --  
 3 JIM MANGIO: So I'm going to verify so far who is  
 4 uncontested. But, see, the thing is that I really -- I  
 5 think I need to go through it this way to keep control  
 6 of it.  
 7 GERALD MOAN: Why are we stopping to have a  
 8 challenge?  
 9 JIM MANGIO: Because --  
 10 GERALD MOAN: It doesn't matter. We have to  
 11 determine they're uncontested.  
 12 JIM MANGIO: But everybody is contested, Gerry.  
 13 UNIDENTIFIED SPEAKER: I would suggest that the roll  
 14 call continue through, and then we agree on the docket  
 15 for challenge as second.  
 16 GERALD MOAN: That's --  
 17 JIM MANGIO: Okay. Actually, the reason that I'm  
 18 doing it is because we need to establish, right off the  
 19 bat, what the basis for the challenge is in one  
 20 sentence. And then if it's a frivolous challenge, we  
 21 can dismiss it so we don't have to waste our time on it.  
 22 UNIDENTIFIED SPEAKER: Point of order. Is somebody  
 23 going to call the meeting to order first?  
 24 JIM MANGIO: Gerry called the meeting.  
 25 GERALD MOAN: This is not a meeting. We're

1 establishing the credentials.  
 2 JIM MANGIO: Mr. Brass, can you state the nature of  
 3 your challenge in three words?  
 4 UNIDENTIFIED SPEAKER: Objection. Objection as  
 5 appointed --  
 6 JIM MANGIO: Excuse me. So you're going to  
 7 completely prevent me from being able to do this  
 8 credential process? I'm the secretary of the party and,  
 9 as such, have been given the duty of running the  
 10 credentialing process. I would ask you respect the way  
 11 I do it, which was upheld in Lynchberg. I would -- I  
 12 appreciate Jim Brass coming to the microphone and  
 13 coming to state your challenge.  
 14 "FRANK": Jim, one question, before you -- isn't it  
 15 necessary to establish who the voting members are before  
 16 we vote?  
 17 JIM MANGIO: But we're not going to decide on the  
 18 challenge, Frank. Let me just work you through this,  
 19 and you might agree.  
 20 UNIDENTIFIED SPEAKER: How are you going to --  
 21 JIM MANGIO: For example, I've received a lot of  
 22 different kinds of challenges. For example, in  
 23 California, there is a challenge that the state  
 24 convention has to provide 30 days' notice. And there  
 25 was only 28 days' notice. In my opinion, that's

1 frivolous. In my opinion, that's not a challenge that  
2 this body should hear.

3 So I think we have to go through very quickly,  
4 state the nature of the challenge, and then move on to  
5 the next. Otherwise, we're going to -- otherwise,  
6 everyone is just going to challenge everyone. There  
7 will be no (inaudible) to start the meeting.

8 UNIDENTIFIED SPEAKER: Are you going to make that  
9 call?

10 JIM MANGIO: If you disagree with the call, then we  
11 will use it as a challenge.

12 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.

13 JIM MANGIO: I'm not here to make any decision.

14 UNIDENTIFIED SPEAKER: Mr. Chairman, what was just  
15 stated by the secretary conflicted with his own words.  
16 He said that he was not going to decide anything. But  
17 if, in fact, something is decided -- in other words, the  
18 nature of the challenge -- then, in fact, that is a  
19 process that is going on, and a decision is being made.

20 And, therefore, Mr. Chairman, I'd respectfully  
21 suggest that there was a list of National Committee  
22 members that was out front that allowed these members to  
23 arrive in this room that -- I suggest that we at least  
24 call that roll and determine the numbers and whether we,  
25 in fact, even have a quorum, Mr. Chairman.

1 called to order.

2 UNIDENTIFIED SPEAKER: We all have yellow tags  
3 saying we're members.

4 UNIDENTIFIED SPEAKER: We're not having a meeting.

5 UNIDENTIFIED SPEAKER: I'd like to make a point of  
6 order here. I believe that Jim was calling the roll,  
7 and Mr. Bowes' motion is out of order, and he needs to  
8 completely call the roll.

9 Jim, you need to continue calling the roll.

10 Jim, you need to call the meeting to order, call the  
11 roll, continue calling the roll. And then we can get to  
12 the challenges.

13 UNIDENTIFIED SPEAKER: Very good.

14 JIM MANGIO: Arizona is challenged. Arkansas is  
15 challenged. California is challenged. Colorado, maybe  
16 the body can help me with this. Okay? So you tell me  
17 what you want me to do here. Colorado is the -- is  
18 there only one microphone in here that's now being  
19 controlled?

20 UNIDENTIFIED SPEAKER: We're in line --

21 JIM MANGIO: Why is there only one microphone?

22 UNIDENTIFIED SPEAKER: -- respectfully waiting our  
23 turn.

24 JIM MANGIO: Excuse me. I have the floor. Colorado  
25 is an affiliated state party organization. The

1 JIM MANGIO: Excuse me. If I can -- wait a minute.  
2 Wait a minute. We're not in session. There's no  
3 motions, Mr. Bowes. You've had the microphone. Can you  
4 step away, let someone else speak?

5 UNIDENTIFIED SPEAKER: Point of order.

6 JIM MANGIO: Wait a minute. The problem with that,  
7 sir, is that, for example, there are challenges around  
8 affiliation, which this body cannot deal with. So in a  
9 number of states, the Natural Law Party is challenging  
10 the affiliation of those state party organizations we do  
11 not have the power to hear. Does that mean we do not  
12 allow that delegation to be seated until after we go  
13 through this whole thing? That is not a challenge to  
14 deal with, so I will -- excuse me.

15 GERALD MOAN: Time out. I'm going to make a ruling  
16 of the chair. As we have done --

17 JIM MANGIO: You can't. There's no quorum.

18 GERALD MOAN: As we have done previously, we have  
19 seated the uncontested delegates first and then heard  
20 challenges. That is the ruling of the chair.

21 UNIDENTIFIED SPEAKER: Challenge the ruling of the  
22 chair, sir.

23 JIM MANGIO: Object to the ruling of the chair.

24 GERALD MOAN: Say --

25 UNIDENTIFIED SPEAKER: The meeting needs to be

1 challenges that are being brought to Colorado are being  
2 brought by the Natural Law Party. Are we now saying  
3 that Colorado should not be seated as a Reform Party  
4 affiliated state party organization because there is an  
5 affiliation challenge when, under the rules of this  
6 Constitution of this party, we cannot unaffiliate a  
7 state party organization?

8 So how do we differentiate between what is a  
9 challenge that we can hear and who gets seated and what  
10 is a challenge that we can't hear and who gets seated?  
11 That's my question to the body. Does anyone have any  
12 suggestions on that?

13 UNIDENTIFIED SPEAKER: Mr. Chairman, I have a  
14 suggestion, or Mr. Secretary. Are you suggesting that  
15 to a Colorado delegation that is not in this room at  
16 this time? Are they sitting in this room? Have we  
17 called the roll?

18 UNIDENTIFIED SPEAKER: We're right here.

19 UNIDENTIFIED SPEAKER: So, therefore, we're --  
20 they've already -- they're in the room. Now, if  
21 somebody wants to challenge them, they have every right  
22 to do so. But the fact -- no, but you're --

23 JIM MANGIO: No, he's not listening to me.

24 UNIDENTIFIED SPEAKER: I am listening to you, sir.  
25 You asked me a question. I'm giving you an answer.

1 JIM MANGIO: I didn't ask you the question.  
 2 UNIDENTIFIED SPEAKER: You asked the body, and I'm  
 3 part of it, sir. And so you ask a question. And the  
 4 fact is if they're sitting in this room and then there  
 5 is a subsequent challenge, then, by all means, let the  
 6 challenge take place. But the meeting --  
 7 JIM MANGIO: Excuse me. That's a violation of our  
 8 Constitution, sir.  
 9 UNIDENTIFIED SPEAKER: Right.  
 10 JIM MANGIO: Wait a minute. Well, that's what I'm  
 11 trying to do, is find out what the basis of the  
 12 challenges are. And you're telling me not to do that.  
 13 UNIDENTIFIED SPEAKER: The meeting has to be called  
 14 to order.  
 15 JIM MANGIO: Excuse me. Wait a minute. Let's just  
 16 try to be logical. Okay? How would you call a meeting  
 17 to order if some of the people who are not allowed to  
 18 vote are not allowed to vote because of a violation of  
 19 the Constitution?  
 20 UNIDENTIFIED SPEAKER: Because the credentialing  
 21 occurred by giving these yellow tags.  
 22 JIM MANGIO: No, it did not.  
 23 UNIDENTIFIED SPEAKER: Well, the initial --  
 24 JIM MANGIO: No, it did not. That was not  
 25 credentialing, sir.

1 about here, which is in direct violation of our  
 2 Constitution. Can you help on that? I can ask her --  
 3 an opinion of the parliamentarian, can't I?  
 4 UNIDENTIFIED SPEAKER: Call roll. No, you're not  
 5 the chairman.  
 6 UNIDENTIFIED SPEAKER: You're not the chairman.  
 7 GERALD MOAN: I will handle it. Also,  
 8 Ms. Parliamentarian, the list of baseline entry into  
 9 this room was established by a list as transmitted from  
 10 the secretary to the communications director. That is  
 11 the establishment for which we will proceed for quorum.  
 12 JIM MANGIO: Well, then, my problem with that is  
 13 that you said an arbitrary date on that list of  
 14 August 1st after the fact. You did not -- you are,  
 15 therefore -- wait a minute. You said your point. You  
 16 can speak again; therefore, you are disempowering state  
 17 party organizations which have a right to hold  
 18 conventions up until this meeting and elect new members  
 19 or old members, or whatever, of the National Committee.  
 20 So what you're effectively doing is  
 21 disempowering, infringing on the rights of state party  
 22 organizations to hold meetings and have their people  
 23 recognized as National Committee members. Now, by  
 24 forcing the calling of the roll and allowing frivolous  
 25 challenges, what you are essentially allowing to happen

1 UNIDENTIFIED SPEAKER: Initial credentialing was  
 2 done by the roster.  
 3 JIM MANGIO: No.  
 4 UNIDENTIFIED SPEAKER: We're suggesting that --  
 5 UNIDENTIFIED SPEAKER: That's what you got to start  
 6 with, Mr. Chairman. Please call the meeting to order.  
 7 Please call the meeting to order, and then we finish the  
 8 roll call, and then we go to the challenges.  
 9 JIM MANGIO: Excuse me.  
 10 UNIDENTIFIED SPEAKER: Establish an order.  
 11 JIM MANGIO: Excuse me. Excuse me.  
 12 GERALD MOAN: I'm going to call the meeting to  
 13 order.  
 14 UNIDENTIFIED SPEAKER: There you go.  
 15 GERALD MOAN: Since we're starting off on a great  
 16 foot, I'm going to call the meeting to order so that  
 17 everything that we do from this point forward is  
 18 official. And for purposes of a quorum, the secretary  
 19 is instructed to call the roll.  
 20 JIM MANGIO: I would like to ask the parliamentarian  
 21 her opinion about this, given that my concern is that  
 22 there are going to be challenges to affiliated state  
 23 party organizations which are not legitimate challenges  
 24 under this body. And they will, therefore, prevent  
 25 those people from voting on this, what we're talking

1 is not a fair process, but a stacked process, because  
 2 you're not -- there are challenges that have to be  
 3 dismissed at hand.  
 4 UNIDENTIFIED SPEAKER: With respect to the  
 5 secretary --  
 6 JIM MANGIO: Excuse me. I wasn't finished, sir.  
 7 May I finish?  
 8 UNIDENTIFIED SPEAKER: Yes, you may.  
 9 JIM MANGIO: Thank you.  
 10 There are challenges to the state party  
 11 affiliations, and those people should not be heard.  
 12 Those challenges should not be heard. According to the  
 13 rules of the National Committee, we cannot disaffiliate  
 14 a state party organization. So if the Natural Law Party  
 15 or the Freedom Party, which are not the affiliates of  
 16 the Reform Party, in those states are lodging a  
 17 challenge, those challenges need to be dismissed at  
 18 hand. And I'm saying that we don't know that until we  
 19 at least ask the basis of the challenge.  
 20 UNIDENTIFIED SPEAKER: Mr. Secretary, you may be  
 21 right or you may be wrong. But these people have due  
 22 process rights to be heard. And it is not for the  
 23 secretary to make the sole determination for this body.  
 24 JIM MANGIO: I --  
 25 UNIDENTIFIED SPEAKER: I propose that we allow both

1 groups of challengers to state their case. And  
2 Mr. Secretary may be right. And, Mr. Secretary, you may  
3 be --

4 JIM MANGIO: The parliamentarian just ruled in my  
5 favor.

6 UNIDENTIFIED SPEAKER: But it is not your sole  
7 discretion. This body should decide, sir.

8 JIM MANGIO: Excuse me. The parliamentarian has  
9 ruled in my favor and said we cannot violate the right  
10 of the state party organization to hold their elections  
11 and change their members.

12 SUE HARRIS DEBAUCHE: Point of order.

13 JIM MANGIO: Wait a minute, Sue. What she said was  
14 that by doing it your way, we're essentially violating  
15 the right of the state party organizations to hold their  
16 convention and elections.

17 UNIDENTIFIED SPEAKER: Bull.

18 UNIDENTIFIED SPEAKER: Baloney.

19 JIM MANGIO: What we have to do -- no, you can't  
20 call the meeting to order. And, moreover --

21 UNIDENTIFIED SPEAKER: You already did.

22 JIM MANGIO: Excuse me. Security, are we going to  
23 allow people to interrupt?

24 UNIDENTIFIED SPEAKER: Hey, hey, hey.

25 JIM MANGIO: Are you going to allow people to

1 JIM MANGIO: The meeting has been called to order.

2 GERALD MOAN: Time out. The chairman -- wait a  
3 minute. The chairman has called the meeting to order.  
4 The parliamentarian has every right to give advice to  
5 the chair. It is in my purview to accept or reject that  
6 recommendation. So, therefore, I'm calling the meeting  
7 to order. If you want to overrule the chair, you will  
8 indicate as by roll call.

9 JIM MANGIO: Okay. Well, we'll have to call it  
10 first. But, now, let me ask you a question, Gerry, if I  
11 may.

12 UNIDENTIFIED SPEAKER: Roll call.

13 JIM MANGIO: May I ask you a question?

14 GERALD MOAN: Okay.

15 JIM MANGIO: So how do you propose --

16 GERALD MOAN: Time out. Can we stop the second  
17 meetings? Jim doesn't --

18 JIM MANGIO: Well, let me just say -- okay. So,  
19 Gerry, how do we deal with the fact that there are  
20 challenges to affiliation? Okay. So there are parties  
21 that are not affiliated that are challenging legitimate  
22 parties for affiliation.

23 GERALD MOAN: During the challenge process.

24 JIM MANGIO: No. But they -- no. But they can't be  
25 challenged under rules.

1 interrupt and shout people down?

2 UNIDENTIFIED SPEAKER: You did.

3 GERALD MOAN: Time out. Who objects? Everybody.

4 What's your point of order, sir?

5 UNIDENTIFIED SPEAKER: The Executive Committee is  
6 now in session and is in session. I make a motion right  
7 now that those states that are the recognized affiliated  
8 states be allowed in this room, mine included. We are  
9 the recognized people, and we are the ones who have  
10 worked for this party. And I hereby make that motion.  
11 I ask for a second.

12 UNIDENTIFIED SPEAKER: A second.

13 JIM MANGIO: Executive Committee only?

14 UNIDENTIFIED SPEAKER: Executive Committee only.

15 JIM MANGIO: All those in favor in the Executive  
16 Committee, raise your hands? All those opposed?

17 (Majority raise hands.)

18 UNIDENTIFIED SPEAKER: Point of order. The --

19 UNIDENTIFIED SPEAKER: So passed.

20 JIM MANGIO: But the National Committee is not in  
21 session, sir.

22 UNIDENTIFIED SPEAKER: It is being called to order.

23 JIM MANGIO: The parliamentarian has made a  
24 different ruling.

25 GERALD MOAN: Time out. Time out.

1 GERALD MOAN: Do you have verification they're not  
2 Natural Law Party?

3 JIM MANGIO: Yes.

4 GERALD MOAN: By voter register poll?

5 JIM MANGIO: No. I have verification they're  
6 bringing the challenge as Freedom Party and Natural Law  
7 Party members.

8 UNIDENTIFIED SPEAKER: Reform Party.

9 GERALD MOAN: We have a registration process time  
10 out.

11 UNIDENTIFIED SPEAKER: Executive Committee.

12 UNIDENTIFIED SPEAKER: What's this Natural Law Party  
13 stuff?

14 GERALD MOAN: The motion has been made by the chair  
15 to call the meeting to order. If everybody in this room  
16 wants to overrule the chair, stand up.

17 JIM MANGIO: Whoever wants to overrule the chair,  
18 stand up.

19 (Majority stand up.)

20 GERALD MOAN: Whoever wants to -- in the opinion of  
21 the chair, the meeting is now called to order.

22 UNIDENTIFIED SPEAKER: We have challenged delegates  
23 here who are voting on this question and are not yet  
24 credentialed.

25 UNIDENTIFIED SPEAKER: Point of order.

1 GERALD MOAN: The body has sought to open the  
2 meeting. We will call, for quorum purposes, the roll.  
3 The challenges will be heard in each and every  
4 circumstance. If a state is challenged, every instance  
5 will be heard. The Executive Committee is now not in  
6 session.  
7 UNIDENTIFIED SPEAKER: This is a meeting of the  
8 National Committee.  
9 UNIDENTIFIED SPEAKER: Point of order. I'm sorry,  
10 Gerry. I've got to respectfully disagree with you.  
11 UNIDENTIFIED SPEAKER: Come to the microphone,  
12 please.  
13 JIM MANGIO: I'm going to call the roll as per the  
14 direction of the chair for a quorum call.  
15 UNIDENTIFIED SPEAKER: Jim, I would like to  
16 respectfully disagree with the chair. He cannot  
17 determine when the Executive Committee is in session or  
18 is not in session.  
19 JIM MANGIO: Okay. Irregardless, I'm going to call  
20 the roll.  
21 GERALD MOAN: Until the roll call is finished, there  
22 will be no more comments unless there is a legitimate  
23 point of order regarding the procedure.  
24 JIM MANGIO: I'm saying who is contesting in this  
25 roll call, right?

1 GERALD MOAN: Yeah.  
2 JIM MANGIO: Okay. All right. These are the  
3 uncontested Executive Committee members to date: Gerry  
4 Moan, Jim Mangio, June Spink, Sue Harris DeBauche, Ann  
5 Merkl, and Mickey Summerhayes. Alabama, Bob Belcher,  
6 Milton Morrow, and John Van Sandt, they're unchallenged.  
7 Alaska, Ed Wassell, Bob Lynn, and Robert Bird, they're  
8 unchallenged. Arizona is challenged. They cannot vote.  
9 Arkansas is challenged. They cannot vote. California  
10 is challenged. They cannot vote. Colorado --  
11 UNIDENTIFIED SPEAKER: You're supposed to take the  
12 roll, not tell us who to vote --  
13 GERALD MOAN: Time out. Sit down. He is calling  
14 the roll. I've agreed to allow him just to announce the  
15 challenges so everybody can get their first -- I said  
16 there's no comment, please. Let's just go through roll.  
17 UNIDENTIFIED SPEAKER: There's a legitimate point of  
18 information. When he's saying they cannot vote, does he  
19 mean on his own state or on every state?  
20 UNIDENTIFIED SPEAKER: He shouldn't say anything.  
21 He just should call roll.  
22 UNIDENTIFIED SPEAKER: Just call the roll.  
23 UNIDENTIFIED SPEAKER: Just call our names.  
24 GERALD MOAN: Call the names.  
25 JIM MANGIO: I'll call the names.

1 GERALD MOAN: Forget the challenges.  
2 JIM MANGIO: But those aren't the people that are  
3 going -- if you challenge, you can't vote, according to  
4 the credentialing process. Whatever you want to do. I  
5 think that's what we should do. All right. Margo  
6 Whittenberg, Russ Whittenberg, and Gene Kerkman are  
7 challenged. Jeff Weaks, Michael Wilbanks --  
8 GERALD MOAN: I asked for no comment, Bob, until  
9 we're through with role.  
10 JUDY DUFFY: He's asked that no one speak.  
11 UNIDENTIFIED SPEAKER: Okay.  
12 JIM MANGIO: And Jeff Weaks, Michael Wilbanks, and  
13 Nancy Wilbanks are challenged.  
14 UNIDENTIFIED SPEAKER: That's not on the list.  
15 UNIDENTIFIED SPEAKER: I'm not challenged.  
16 JIM MANGIO: Okay. Tim Miller and Steve Matea are  
17 challenged. I'm sorry. Thank you.  
18 UNIDENTIFIED SPEAKER: What states?  
19 JIM MANGIO: Arkansas. California, Ray Mills, Brian  
20 Stransky and Susan Madori are challenged. Colorado,  
21 Victor Gooda, Rosemary Sachs, and Ray Lashly are  
22 challenged. Okay. Connecticut, Bob Davidson, Donna  
23 Donovan, and Loretta Farren are not challenged.  
24 Washington D.C., Donna Wachs, Jerry Lorentz, and June  
25 Hirsch are challenged.

1 Delaware, William Shields, Steven Hrzic,  
2 Dorothy Kendall, challenged. Florida, Dave Goldman,  
3 Carl Bean, Pauline Klein, challenged. Georgia, David  
4 Denny -- I'm sorry. I don't -- I need that other list.  
5 I don't have that August 1st list that you provided. My  
6 apologies. Okay. All right. Georgia, Bill Aringer,  
7 Jerry Reed, Sam Burr, though this is a housekeeping  
8 challenge, because they had an election, and they --  
9 there's no other challenges to them. Yeah, it's all  
10 within the same delegation.  
11 Is everyone clear on that?  
12 UNIDENTIFIED SPEAKER: What state?  
13 JIM MANGIO: That's Georgia. So Georgia is only  
14 being challenged by themselves, because they weren't on  
15 the August 1st list, even though they had an election  
16 two weeks prior and elected committee members. Hawaii,  
17 Chad Love, Nikki Love, Bill Russell is challenged.  
18 UNIDENTIFIED SPEAKER: There is a point of order for  
19 a number of states at -- we have two of them that are  
20 disaffiliated because they did not have one-fourth of  
21 their delegates in the 1999 --  
22 UNIDENTIFIED SPEAKER: Out of order. Out of order.  
23 UNIDENTIFIED SPEAKER: Take roll call.  
24 UNIDENTIFIED SPEAKER: Excuse me. Are you trying to  
25 throw me out by security for doing the same thing she

1 just did?

2 UNIDENTIFIED SPEAKER: Call the roll.

3 JIM MANGIO: Hawaii is challenged. Idaho, Don  
4 Schanz, William Call, Terry Gelson is challenged.

5 SUSAN HARRIS DEBAUCHE: Are these all Natural Law  
6 challenges?

7 JIM MANGIO: No. They won't let me talk about that,  
8 Susan. Sorry. You're keeping track of what's  
9 challenged and what isn't, right? Thank you. Illinois,  
10 David Cherry, Rafael Higgins and Jodie McCormick are  
11 housekeeping challenges. Make a note of which is  
12 housekeeping and which isn't, Gerry. Okay? Indiana is  
13 Margaret Burns, Bob Conley, Paul Reszel.

14 UNIDENTIFIED SPEAKER: Mr. Conley is not here.

15 JIM MANGIO: All right. We'll deal with that in a  
16 minute.

17 GERALD MOAN: Judy, is this the true list of  
18 challenges?

19 JUDY DUFFY: Yes. That's the list that was handed  
20 in, yes. And you have one additional small page.

21 JIM MANGIO: Where is that?

22 GERALD MOAN: Georgia is challenged.

23 JIM MANGIO: Okay. All right. So change Georgia to  
24 challenged. I need that list, Gerry. I can't do it.  
25 We can share it. Thank you, Judy. Where are we,

1 quorum?

2 GERALD MOAN: The body has determined that the  
3 meeting has been called to order. I said: Those that  
4 do not wish the meeting to be called to order, stand up.  
5 The opinion of the chair is that 12 people stood up.  
6 So, therefore, the meeting is called to order. Thank  
7 you.

8 UNIDENTIFIED SPEAKER: I would challenge that  
9 ruling, sir, according to Robert's Rules of Order.

10 UNIDENTIFIED SPEAKER: Out of order.

11 JIM MANGIO: Okay. Can we continue, please?

12 GERALD MOAN: There's no other comments. As the  
13 body has wished, we will call the roll.

14 UNIDENTIFIED SPEAKER: Right.

15 GERALD MOAN: No point of order.

16 UNIDENTIFIED SPEAKER: Parliamentarian, could you  
17 rule on that? Point of order is --

18 GERALD MOAN: The parliamentarian is a member -- is  
19 not a member of this organization, and she is an advisor  
20 to the chair. When the chairman feels he needs an  
21 advisory, I will ask.

22 UNIDENTIFIED SPEAKER: Point of order.

23 GERALD MOAN: Call the order.

24 UNIDENTIFIED SPEAKER: Point of order. Gerry, you  
25 cannot do that.

1 Illinois, Indiana?

2 UNIDENTIFIED SPEAKER: Could you repeat Indiana?

3 JIM MANGIO: Indiana is not challenged. That is  
4 Margaret Burns, Bob Conley, and Paul Reszel.

5 GERALD MOAN: The young lady with the yellow bag in  
6 her hand, those are not bricks, but it's -- Judy Duffy  
7 is the person that has put everything together for the  
8 convention. I've asked her to be the protector of the  
9 microphone. So Judy is the past chair of California and  
10 runs so many conventions. It's hard to name them all.  
11 But I've asked her to be the protector of the  
12 microphone.

13 JUDY DUFFY: Mr. Chair, may I -- I have someone  
14 asking for a point of clarification. Are you taking  
15 anything until the end of the roll call?

16 GERALD MOAN: No. We're going through the roll  
17 call, then we can clarify the order and --

18 JIM MANGIO: Iowa, Buzz Miller, Tom Stanley, Drew  
19 Ivers, unchallenged.

20 UNIDENTIFIED SPEAKER: Mr. Chairman, may I raise a  
21 point of clarification? Have you called this meeting to  
22 order or not?

23 UNIDENTIFIED SPEAKER: Yes.

24 UNIDENTIFIED SPEAKER: How can you call the meeting  
25 to order when we have not determined if there is a

1 UNIDENTIFIED SPEAKER: Security.

2 GERALD MOAN: The chairman asked for an overturning  
3 of the rule of the chair, but Bobby has decided -- thank  
4 you.

5 UNIDENTIFIED SPEAKER: I challenge the chair.

6 GERALD MOAN: The chairman's ruling was already  
7 challenged. You did not stand up. The house sat down.  
8 And in the determination of the chair, in any way,  
9 shape, or form, the 15 people that stood up are not  
10 outweighed by the other 160. Thank you.

11 JIM MANGIO: Let's get through to call the roll. I  
12 respectfully submit that to --

13 UNIDENTIFIED SPEAKER: Call roll? We've (inaudible)  
14 for being present. We just don't -- we're not calling  
15 the roll. All you're doing is reading a list.

16 GERALD MOAN: Time out. Parliamentarian --

17 THE PARLIAMENTARIAN: Ladies and gentlemen, you  
18 watched one convention, and you're going to watch  
19 another one where one of those people will be elected.  
20 But the rest of you are organizing amongst yourselves.  
21 I don't understand why. If any of you have ever opened  
22 Robert's Rules of Order and looked inside, you will find  
23 that before you can do anything, you call the meeting to  
24 order, then you determine if a quorum is present.  
25 I think that's what you're trying to do. But

1 when you fight amongst yourselves, you're not setting an  
 2 example for the country to elect your candidate, whoever  
 3 it is. So keep that in mind. Try and be a little more  
 4 civil. Thank you.  
 5 JIM MANGIO: Okay. Kansas, Mike Wilson, Jack  
 6 Paulson, Charlotte Paulson.  
 7 UNIDENTIFIED SPEAKER: Are they here?  
 8 JIM MANGIO: Sir, sit down, please, sir.  
 9 UNIDENTIFIED SPEAKER: I'm waiting.  
 10 JIM MANGIO: Sit down, please, sir.  
 11 UNIDENTIFIED SPEAKER: Let's have the meeting go on.  
 12 JIM MANGIO: I keep getting interrupted.  
 13 UNIDENTIFIED SPEAKER: Turn the mike off.  
 14 UNIDENTIFIED SPEAKER: Turn the mike off.  
 15 GERALD MOAN: Everybody will get your chance to be  
 16 heard. We want to call the roll, on the advice of the  
 17 parliamentarian, to establish quorum so that we can do  
 18 anything.  
 19 JIM MANGIO: Kansas is not challenged. I just read  
 20 them off. Iowa is Buzz Miller, Tom Stanley, Drew Ivers,  
 21 not challenged. Kentucky, John Longmeyer, Sam Cox,  
 22 Jeanette Lenczyk, challenged. Louisiana, Didi Mule,  
 23 B.J. Monk, Dottie Watson, challenged. Maine, Lily  
 24 Andrews, Larry Gardiner, and Wendell Kenny,  
 25 unchallenged. Maryland, Bob Bowes, Anna Anderson,

1 William Casagrande, not challenged. Massachusetts, Andy  
 2 Lizotte, Evelyn Dougherty, Bill Higgins, not challenged.  
 3 Michigan, Ray Vinton, Diane McKelvie, Eleanor  
 4 Renfro, challenged. Minnesota is not affiliated.  
 5 Mississippi, Ted Wiley, Bob Clouch, Shaun O'Hara,  
 6 challenged. Missouri, Larry Terry, Raygene Overholtzer,  
 7 Richard Tauber, unchallenged. I think there's a  
 8 challenge. Yeah, there's a challenge to that, yeah,  
 9 'cause I got it in the mail. Montana, J.R. Myers, R.J.  
 10 Brewer, Cajun James, challenged. Okay. Montana is  
 11 challenged. I just named them.  
 12 Nebraska, Teresa Damassuskas, Loretta Weston,  
 13 Janell Skinner, challenged. Nevada, Timothy Steele,  
 14 William Grutzmacher Agnes Grutzmacher, challenged.  
 15 New Hampshire, Larry Dennismount and Maggie Simine,  
 16 challenged. New Jersey, Joe Sansone, Beverly Kidder,  
 17 Jim Logue --  
 18 UNIDENTIFIED SPEAKER: Here.  
 19 JIM MANGIO: -- challenged. New Mexico, Lauren  
 20 Poisson, Brian Ottmer, David Baltz, challenged.  
 21 New York, Frank McKay, Lorene Oliver, Kathy Stewart,  
 22 challenged. North Carolina, Bar Sadeh, D. Drew,  
 23 H. Drew, challenged. Is that challenged? Just making  
 24 sure. They're unchallenged. Judy, you have a mistake.  
 25 North Dakota, Lita Stewart, Margaret Sitte,

1 Tanny Keaveny, challenged. Ohio -- check Ohio. I  
 2 thought I saw that on there -- John Mitchell, Dee  
 3 Clapsaddle, Michael -- I'm sorry -- Frank Reed, not  
 4 challenged. Oklahoma -- that's Ohio, not challenged.  
 5 Oklahoma, Michael Charba, Willard Lyman, Robert Bell,  
 6 challenged. Oregon, Mickey Summerhayes, Claire Heil --  
 7 and then one person is a housekeeping challenge, so  
 8 there's two of those that are not challenged. There's a  
 9 specific challenge to one. Pennsylvania, Jay Russell,  
 10 Maria Lewis, Bill Ravotti, not challenged. Rhode  
 11 Island, Dave Richardson, Tim Miller, Bill Greenwood,  
 12 challenged, right, Rhode Island?  
 13 UNIDENTIFIED SPEAKER: Just one. We have an  
 14 alternate here. We have an alternate here.  
 15 JIM MANGIO: Okay. Rhode Island is challenged.  
 16 South Carolina, Ronnie Armstrong, Barbara Batchelder,  
 17 Sarah Steagal, not challenged, right? South Dakota,  
 18 Maynard Butch Thompson, Lisa Thompson, Arian Tekrony,  
 19 challenged. Tennessee, Catherine Siegel -- state --  
 20 state is resigned. Those are challenged, anyway, and  
 21 Tennessee. Texas, Jeannie Doogs, Kelly Abt, Klimer  
 22 Wright, challenged. Utah, Jeff Larson, Mary Ellen  
 23 Moore, Barbara Whitely, challenged. Vermont, Russ  
 24 Capron, Robert Anderson, Jane St. Lawrence, challenged.  
 25 Virginia, Sue Harris Debauche -- these are not

1 challenged? Why are there stars next to them? -- Bill  
 2 Huff, and Ron Young, challenged. Washington State, is  
 3 theirs challenged in Washington? Ray Larson, Connor  
 4 Coughlin, Diane Ennis is challenged. I disagree with  
 5 that challenge. West Virginia, Daniel Stern, Jerome  
 6 Heineman, Martha Zatezalo, challenged.  
 7 UNIDENTIFIED SPEAKER: Here.  
 8 JIM MANGIO: Wisconsin, (inaudible) Mueller, Margo  
 9 Hansen, Mary Dial, challenged. Wyoming, Tim Halinan,  
 10 (inaudible) Lorenzen, Robin Lorenzen. Though Tim gave  
 11 me changes on August 1st, they're not reflected. That's  
 12 a house -- but there's also another challenged, so  
 13 that's challenged. That's not only housekeeping. Yes.  
 14 Okay.  
 15 Gerry, could you give me the --  
 16 UNIDENTIFIED SPEAKER: Mr. Secretary, our quorum  
 17 call?  
 18 JIM MANGIO: Gerry, could I have that list of  
 19 challenges?  
 20 GERALD MOAN: Oh, I'm sorry. Okay. I'm going to  
 21 count up who's not challenged, okay, if you could just  
 22 give me a moment.  
 23 JIM MANGIO: Just give us another minute. I'm  
 24 sorry.  
 25 (Pause in proceedings.)

1 JIM MANGIO: All right. Indiana -- I'm sorry. I'm  
2 counting. I've got -- there are only 40 members of the  
3 National Committee who are unchallenged, which means we  
4 do not have a quorum to conduct business. There is no  
5 quorum to conduct business.  
6 GERALD MOAN: There's -- only legitimate members are  
7 here. These members are all here.  
8 JIM MANGIO: But it states in the Constitution that  
9 we need at least 50 percent of the registered body to  
10 substitute a quorum.  
11 UNIDENTIFIED SPEAKER: Point of order.  
12 UNIDENTIFIED SPEAKER: Point of order.  
13 GERALD MOAN: There is a conjecture here about the  
14 secretary's ruling that there's not enough people here  
15 to conduct the meeting. Does anybody believe that?  
16 UNIDENTIFIED SPEAKER: No.  
17 GERALD MOAN: Body has spoken.  
18 UNIDENTIFIED SPEAKER: I motion for a presiding  
19 secretary.  
20 UNIDENTIFIED SPEAKER: I second the motion.  
21 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
22 Point of order, Mr. Chairman.  
23 GERALD MOAN: Yes. For purposes of identification,  
24 state your name and your state.  
25 J.R. MYERS: I'm J.R. Myers. I'm the chairman of

1 the Montana Reform Party. My point of order is this:  
2 My understanding of the Constitution is that no  
3 challenge is serious unless it is brought by another  
4 Reform member. If there are challenges that are brought  
5 by members of other parties, those challenges should be  
6 dismissed in hand as --  
7 JIM MANGIO: Thank you.  
8 GERALD MOAN: Time out.  
9 UNIDENTIFIED SPEAKER: I want a ruling first before  
10 I move. They want me to go back.  
11 JIM MANGIO: I can't hear you.  
12 (Pause in proceedings.)  
13 GERALD MOAN: Everybody take your seats, including  
14 those lined up at the microphones. We will not proceed  
15 until everybody is in their seat. There's 160 people in  
16 the room. They've decided to meet. These are all the  
17 delegates. These are all the delegates, Jim. The  
18 secretary has graciously called the roll, which was the  
19 ending of his registration process. The chair is in  
20 control of the meeting.  
21 On advice of the parliamentarian, everybody in  
22 this room is here. Those that are not here, leave the  
23 room. I've taken your advice and made my ruling. So,  
24 therefore, we will go through the challenges one by one.  
25 First order of business will be to state your name,

1 where you come from, and your legitimacy to bring  
2 challenge. In other words, let's just --  
3 UNIDENTIFIED SPEAKER: I challenge the ruling of the  
4 chair.  
5 UNIDENTIFIED SPEAKER: Shut up.  
6 GERALD MOAN: I'll take your point after I finish,  
7 then you can tell me what you're challenging. So,  
8 therefore, if the state of Alabama is challenged, then  
9 the three delegates that are challenging the three  
10 National Committee members from Alabama will enter the  
11 room. One person will be requested to speak for three  
12 minutes pro and three minutes con. That will be the way  
13 we conduct business. Anybody that doesn't want to  
14 conduct business, stand up. Okay. Seeing nobody stand  
15 up, that's the rule of the chair. That's the way we'll  
16 proceed. This is not credentialing.  
17 JIM MANGIO: Yes, it is.  
18 GERALD MOAN: No. You've done challenging. We've  
19 established quorum. Registration process is order.  
20 JUDY DUFFY: Mr. Chair, just a point of order. I  
21 have two people from Arizona in the room. Should they  
22 be removed until you're ready for them?  
23 UNIDENTIFIED SPEAKER: Yes.  
24 GERALD MOAN: No, no. Time out. Let me see the  
25 roll. Who's got the official roll? Give me a copy.

1 UNIDENTIFIED SPEAKER: Are you ready to hear my  
2 challenge, Gerry?  
3 GERALD MOAN: We negotiated quickly.  
4 JIM MANGIO: All right. We're going to go through  
5 the challenges.  
6 UNIDENTIFIED SPEAKER: And who votes, Gerry?  
7 UNIDENTIFIED SPEAKER: Point of information,  
8 Mr. Chairman. Who will be able to vote? For instance,  
9 will the whole body be able to vote on every state  
10 except their specific members?  
11 GERALD MOAN: The members in the room.  
12 UNIDENTIFIED SPEAKER: Including --  
13 GERALD MOAN: The members in the room.  
14 UNIDENTIFIED SPEAKER: Okay.  
15 UNIDENTIFIED SPEAKER: Thank you. Thank you.  
16 UNIDENTIFIED SPEAKER: I challenge that ruling, sir.  
17 GERALD MOAN: Excuse me?  
18 UNIDENTIFIED SPEAKER: I already challenged that.  
19 UNIDENTIFIED SPEAKER: Mr. Chairman --  
20 UNIDENTIFIED SPEAKER: You can't have challenged  
21 members voting.  
22 GERALD MOAN: Excuse me. Sit down. The ruling of  
23 the chair -- time out. Unless you're at the microphone,  
24 you can spit out whatever you want, but you will not be  
25 heard.

1 UNIDENTIFIED SPEAKER: Mr. Chairman, may I make a  
2 motion? And maybe you can clarify something through you  
3 and Jim together.  
4 UNIDENTIFIED SPEAKER: Who is he?  
5 BOB BATCHELDER: My name is Bob Batchelder, and I'm  
6 from South Carolina. My brief thought is this: This is  
7 a Reform Party National Committee meeting. And some of  
8 these National Committee people of the Reform Party are  
9 being challenged by members of other parties. And it's  
10 my belief -- and I believe it's the belief of this body,  
11 I hope -- that any foreign political party has  
12 absolutely no bearing or standing in this room to  
13 challenge Reform Party credentialed people; therefore,  
14 my motion is that any challenges that you have up there  
15 by any party that is not a Reform Party challenge be  
16 dismissed as frivolous, because that's exactly what it  
17 is. I will not --  
18 GERALD MOAN: The only thing --  
19 BOB BATCHELDER: Wait a minute. I have not spent my  
20 hard-earned money to come to a meeting that can be  
21 cancelled by Natural Law Party people or Freedom Party  
22 or other party that you want. This is the Reform Party  
23 meeting, and it needs to stay that way.  
24 GERALD MOAN: Bob, the only way you can establish  
25 that is to hear the challenge and the validity and the

1 general comment.  
2 UNIDENTIFIED SPEAKER: A little comment here.  
3 GERALD MOAN: Time out.  
4 UNIDENTIFIED SPEAKER: I am recognized.  
5 GERALD MOAN: Jim --  
6 UNIDENTIFIED SPEAKER: I am the person recognized.  
7 Gerry just handed the authority to be recognized to me.  
8 And if everybody would quit speaking -- and if everybody  
9 would quit speaking until Gerry recognizes them,  
10 regardless, we won't be going through all this. Thank  
11 you.  
12 Now, the point of order I have is: You said,  
13 Gerry, that everybody in this room was going to be  
14 allowed to vote. I have a point of order, that  
15 everybody that was uncontested in this room is allowed  
16 to vote.  
17 GERALD MOAN: Jim, I didn't put all these people on  
18 the web site. Your registration process did.  
19 UNIDENTIFIED SPEAKER: I appeal the ruling of the  
20 chair.  
21 GERALD MOAN: Point of order.  
22 UNIDENTIFIED SPEAKER: I appeal the ruling of the  
23 chair. I don't believe there's a quorum in this room to  
24 decide who is able to vote. I am the Executive  
25 Committee member. I have a right to be here.

1 standing of the challenger.  
2 UNIDENTIFIED SPEAKER: Exactly.  
3 GERALD MOAN: That's the only way we can do it. I  
4 mean, you just can't take somebody's arbitrary decision  
5 and say they're out. If a member of the Natural Law  
6 Party comes in here and says, "I'm challenging the State  
7 of New York," then the body will decide if it's a  
8 frivolous challenge, and off we go.  
9 BOB BATCHELDER: That's fair. And I think that we  
10 should note that you're -- so you're confirming that a  
11 challenge from the foreign party is a frivolous  
12 challenge?  
13 GERALD MOAN: I agree.  
14 BOB BATCHELDER: Okay.  
15 UNIDENTIFIED SPEAKER: Point of order, Gerry.  
16 GERALD MOAN: Yes, ma'am.  
17 BOB BATCHELDER: I just think we likely get on with  
18 this.  
19 GERALD MOAN: Let's get moving. Point of order from  
20 Mickey Summerhayes.  
21 MICKEY SUMMERHAYES: Thank you for recognizing me.  
22 GERALD MOAN: Come to the microphone so everybody  
23 can hear you and --  
24 UNIDENTIFIED SPEAKER: She needs to get in line.  
25 GERALD MOAN: Point of order takes preference over

1 UNIDENTIFIED SPEAKER: Sit down.  
2 UNIDENTIFIED SPEAKER: I'm appealing the ruling of  
3 the chair.  
4 GERALD MOAN: All those in favor --  
5 UNIDENTIFIED SPEAKER: I want it logged in the  
6 minutes. Thank you very much.  
7 GERALD MOAN: All those in favor of the ruling of  
8 the chair, stand up. In the opinion of the chair, the  
9 appeal of the opinion of the chair is overruled.  
10 TIM MILLER: Point of clarification, Mr. Chairman.  
11 GERALD MOAN: Mr. Miller is recognized from  
12 Arkansas.  
13 TIM MILLER: Mr. Chairman, could you clarify? On  
14 the voting by state, is it when the state is challenged,  
15 those particular delegates from that state will not  
16 vote, but the rest of the body will?  
17 GERALD MOAN: Correct.  
18 TIM MILLER: Thank you.  
19 GERALD MOAN: Next, Mr. Abt.  
20 KELLY ABT: Point of inquiry, Mr. Chairman. Is  
21 this -- is it the intention of the chair or this body to  
22 just have this one single microphone? Are we going to  
23 recognize people who just stand up from the body?  
24 GERALD MOAN: No. It is the intention of the chair  
25 to recognize people only at the microphone. The

1 shouting and everything that's going to go on will  
2 happen regardless of what I want to do. So the  
3 microphone is the recognized speaking vehicle for this  
4 party.

5 KELLY ABT: And could I just ask just a further  
6 question, sir? Is it your ruling that, then, point of  
7 orders from the body not near the microphone, how are we  
8 going to handle --

9 GERALD MOAN: If a person has a predetermined point  
10 of order, they should make their way into the line.

11 KELLY ABT: Thank you, Mr. Chairman.

12 JIM MANGIO: Excuse me. The parliamentarian says  
13 that she wants it on the record that people who are  
14 challenged cannot participate in the voting. The only  
15 people who can vote are those who are unchallenged and  
16 now seated.

17 GERALD MOAN: Thank you. I've taken that under  
18 advisement, and I -- as an advisor to the chair, I've  
19 made my rulings. And it's been upheld by the body.

20 JIM MANGIO: The first challenge is to Cedric  
21 Scofield. The basis of the challenge, I don't know  
22 who -- I got about 24 e-mails.

23 SUE HARRIS DEBAUCHE: I will make a motion that --

24 JIM MANGIO: Please come to the mike and state the  
25 nature of the challenge and your standing as a member of

1 CEDRIC SCOFIELD: I'm Cedric Scofield.

2 GERALD MOAN: Yeah. Please sit down.

3 CEDRIC SCOFIELD: On February 22nd of this year, I  
4 joined the Wisconsin party. I rent property in  
5 Wisconsin. I have a business address in Wisconsin. I  
6 have motor vehicles registered in Wisconsin. I'm a  
7 card-carrying member of the Wisconsin Reform Party. I  
8 received the primary ballot in Wisconsin. And it should  
9 also be noted that prior to the Minnesota affiliation,  
10 Kentucky made me a special member of our party.

11 Therefore, I'm actually a member of two  
12 affiliated state parties, and I have been since -- well,  
13 in Wisconsin, since February of 2000; and Kentucky, from  
14 a few days before Minnesota disaffiliated. Now, I can't  
15 think of much else to say about that. It's -- you know,  
16 all the information is there. And this has been known  
17 by a lot of people in the party for a long time. That's  
18 why they didn't make the challenge back in April, when  
19 the issue could have first become resolved.

20 GERALD MOAN: That's it. We will now proceed to the  
21 vote.

22 JIM MANGIO: All right. I'll call the roll.

23 KELLY ABT: Point of order.

24 GERALD MOAN: What's your point of order? Time out.

25 KELLY ABT: Mr. Scofield is a registered voter in

1 the Executive Committee.

2 SUE HARRIS DEBAUCHE: I state that I have evidence  
3 on record that Cedric Scofield is not a member in good  
4 standing of any affiliated recognized party of  
5 Minnesota; that he is sitting on the Executive Committee  
6 illegally; that the state party of Minnesota that was  
7 affiliated, of which he was a member, has disaffiliated  
8 itself and all its members away from the Reform Party.

9 Therefore, every vote since March 4th that  
10 Cedric Scofield cast has been illegal on the Executive  
11 Committee; therefore, I lodge that challenge. He is a  
12 registered voter in the State of Minnesota. He is not a  
13 member of any recognized affiliated state party.

14 UNIDENTIFIED SPEAKER: Just like Sue.

15 JIM MANGIO: Okay. The only rebut is from the  
16 person himself, which is Cedric.

17 GERALD MOAN: No. The only other person that should  
18 be able to talk to that is Cedric.

19 JIM MANGIO: Cedric, here he is.

20 GERALD MOAN: I don't care what the time is. We're  
21 not eating.

22 JUDY DUFFY: Are they going to be timed?

23 GERALD MOAN: Three minutes.

24 UNIDENTIFIED SPEAKER: Three minutes maximum. Keep  
25 a close watch on the clock.

1 the State of Minnesota.

2 GERALD MOAN: I recognize Kelly Abt. I recognize  
3 Kelly Abt.

4 KELLY ABT: Yes, Mr. Chairman. My only --

5 GERALD MOAN: It's a point of order, I hope.

6 KELLY ABT: It is a point of order, Mr. Chairman.

7 My point of order is for the successful, at least,  
8 communication in this meeting. And with -- at the  
9 present time, my point of inquiry, my question --

10 UNIDENTIFIED SPEAKER: Is there a question?

11 KELLY ABT: My statement, Mr. Chairman --

12 GERALD MOAN: Mr. Brassa, you are not an official  
13 member of this body. And by graciousness, we have let  
14 you sit in the room.

15 UNIDENTIFIED SPEAKER: We're going to abide by the  
16 rules. Let's abide by the rules.

17 GERALD MOAN: Okay. Can you step outside? Time  
18 out. We have one point of order, and then we're going  
19 to the vote. Mr. Abt has the microphone.

20 KELLY ABT: I say an individual be elected to  
21 control the situation on the microphone so that we can  
22 have calm and fair communication.

23 UNIDENTIFIED SPEAKER: That's not a point of order.

24 GERALD MOAN: The ruling of the chair is the motion,  
25 and the traditional procedure of this body has been one

1 speaker for and one speaker against. I recognized the  
 2 chair of Wisconsin, but you voided your right when you  
 3 let Sue Debauche bring the challenge. You should have  
 4 brought the challenge. We will now proceed with voting.  
 5 UNIDENTIFIED SPEAKER: You wouldn't allow it, sir.  
 6 You didn't allow me to bring the challenge. Point of  
 7 order, sir. Mr. Cedric Scofield is not a registered  
 8 voter in Wisconsin.  
 9 UNIDENTIFIED SPEAKER: Let's vote.  
 10 UNIDENTIFIED SPEAKER: You would not allow me to  
 11 object.  
 12 JIM MANGIO: Okay. I'm going to call the roll.  
 13 Gerry, would you record this vote? I'm doing roll call.  
 14 GERALD MOAN: All right.  
 15 JIM MANGIO: I'm doing a roll call vote.  
 16 UNIDENTIFIED SPEAKER: State the vote.  
 17 UNIDENTIFIED SPEAKER: Take -- all night.  
 18 JIM MANGIO: If anyone calls for a roll call vote,  
 19 we have to do it. It's just democratic. I know it's  
 20 hard to imagine, but it's this thing called democracy.  
 21 UNIDENTIFIED SPEAKER: Standing vote.  
 22 JIM MANGIO: Can we have quiet so I can conduct the  
 23 roll, please?  
 24 UNIDENTIFIED SPEAKER: State the question.  
 25 UNIDENTIFIED SPEAKER: State your question.

1 JIM MANGIO: I will as soon as -- I'm going to call  
 2 the Executive Committee first. Gerry Moan, Cedric  
 3 Scofield, Jim Mangio, June Spink --  
 4 UNIDENTIFIED SPEAKER: No.  
 5 JIM MANGIO: -- Sue Harris Debauche --  
 6 UNIDENTIFIED SPEAKER: I'm sorry.  
 7 JIM MANGIO: We're voting on whether --  
 8 UNIDENTIFIED SPEAKER: No.  
 9 JIM MANGIO: Anna Merid --  
 10 UNIDENTIFIED SPEAKER: No, because Cedric is just --  
 11 UNIDENTIFIED SPEAKER: Shut up.  
 12 GERALD MOAN: Thank you, Anna. Thank you very much.  
 13 UNIDENTIFIED SPEAKER: Say "yes" or "no."  
 14 JIM MANGIO: Mickey Summerhayes.  
 15 UNIDENTIFIED SPEAKER: No.  
 16 JIM MANGIO: Bob Belcher, Alabama.  
 17 BOB BELCHER: Yes.  
 18 JIM MANGIO: Milton Morrow, Alabama.  
 19 MILTON MORROW: Yes.  
 20 JIM MANGIO: John Van Sandt, Alabama.  
 21 JOHN VAN SANDT: Yes.  
 22 JIM MANGIO: Edward Wassell, Alaska.  
 23 EDWARD WASELL: Yes.  
 24 JIM MANGIO: Bob Lynn, Alaska.  
 25 BOB LYNN: Yes.

1 JIM MANGIO: Robert Bird, Alaska.  
 2 ROBERT BIRD: Yes.  
 3 JIM MANGIO: Bob Davidson, Connecticut.  
 4 UNIDENTIFIED SPEAKER: No.  
 5 UNIDENTIFIED SPEAKER: He didn't read the names of  
 6 all the states.  
 7 UNIDENTIFIED SPEAKER: He's missing some members.  
 8 GERALD MOAN: Time out.  
 9 JIM MANGIO: I'm not reading the challenged states.  
 10 I thought we said challenged states don't vote.  
 11 UNIDENTIFIED SPEAKER: Standing vote.  
 12 UNIDENTIFIED SPEAKER: Mr. Chairman, a standing  
 13 vote.  
 14 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
 15 Point of order.  
 16 UNIDENTIFIED SPEAKER: Take control now.  
 17 UNIDENTIFIED SPEAKER: Shut up.  
 18 JIM MANGIO: We never allowed unchallenged --  
 19 GERALD MOAN: Chair has made the ruling. Everybody  
 20 in this room votes except on their own challenges  
 21 UNIDENTIFIED SPEAKER: Point of order.  
 22 GERALD MOAN: I am calling for a standup vote.  
 23 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
 24 GERALD MOAN: All those in favor of a standup vote?  
 25 UNIDENTIFIED SPEAKER: Point of order.

1 GERALD MOAN: All those voting for a Cedric  
 2 Scofield, please stand. In the opinion of the chair.  
 3 Cedric Scofield is a recognized member of the committee.  
 4 UNIDENTIFIED SPEAKER: Point of order.  
 5 GERALD MOAN: Mr. Truachs, state your point of  
 6 order.  
 7 MR. TRUACHS: Point of order, sir. The chair is  
 8 acting in a reckless manner.  
 9 GERALD MOAN: Excuse me.  
 10 MR. TRUACHS: This is exactly against the rules of  
 11 this party, to allow challenged members to vote. You're  
 12 acting in a reckless manner, sir.  
 13 GERALD MOAN: Thank you. Your comments have been  
 14 noted. Point of order, Ms. Summerhayes.  
 15 MICKEY SUMMERHAYES: We took a roll call, so are you  
 16 nullifying the original roll call that Jim Mangio did?  
 17 I would like to get a ruling from the parliamentarian.  
 18 GERALD MOAN: No. The ruling of the parliamentarian  
 19 is an advisory opinion to the chair. The chair made a  
 20 ruling. It was not overruled.  
 21 UNIDENTIFIED SPEAKER: Gerry, when you have  
 22 everybody -- Gerry, when you have everybody stand up, I  
 23 happened to be standing up. I didn't even have time to  
 24 sit down on the floor.  
 25 GERALD MOAN: No, no. You said -- thank you. Okay.

1 Quiet in the room. Quiet in the room. Quiet in the  
 2 room. Quiet in the room. What is the next challenge?  
 3 UNIDENTIFIED SPEAKER: Point of order.  
 4 GERALD MOAN: Quiet. What's your order?  
 5 UNIDENTIFIED SPEAKER: Clarify what constitutes a  
 6 quorum.  
 7 UNIDENTIFIED SPEAKER: Go to the microphone.  
 8 GERALD MOAN: There's 160 people in the room.  
 9 That's a quorum.  
 10 UNIDENTIFIED SPEAKER: How many unchallenged?  
 11 SUE HARRIS DEBAUCHE: That is not true. Point of  
 12 order. Appeal the ruling of the chair. It's -- appeal  
 13 the ruling of the chair. I am an Executive Committee  
 14 member. There are people here that appeal this ruling.  
 15 GERALD MOAN: The point of order is invalid. The  
 16 ruling of the chair is a quorum. We asked for an  
 17 overruling of the chair. That failed. We will get  
 18 through this meeting. Those of you that are wishing to  
 19 stall it will not be successful.  
 20 JIM MANGIO: Ladies and gentlemen, this is an  
 21 illegal meeting, and I ask everyone who supports  
 22 democracy to leave the room. Let's go. I'm the  
 23 national secretary. We will leave.  
 24 UNIDENTIFIED SPEAKER: Go. Go.  
 25 GERALD MOAN: Those members that are leaving the

1 room -- those members that are leaving the room have now  
 2 resigned from the National Committee, and I guess we  
 3 have Russ Kearney and Ross Perot to thank for it. Let  
 4 those folks out of the room since they have resigned  
 5 from the National Committee. I tried to be -- to be  
 6 (inaudible), but they wouldn't have it. All right.  
 7 I will ask security guards to please make sure  
 8 that the people are escorted out quickly and fervently,  
 9 and you'll ask the media to back up and let people out  
 10 of the room. Okay. People -- would somebody please  
 11 move those people out and -- who are preventing us from  
 12 conducting business.  
 13 UNIDENTIFIED SPEAKER: Mr. Chairman, I have a point  
 14 of order.  
 15 GERALD MOAN: Can we close -- everybody take your  
 16 seats that are official members of the National  
 17 Committee. The secretary -- everybody come in and sit  
 18 down. Let the show go on. The problem is that some  
 19 people don't believe democracy is called voting.  
 20 UNIDENTIFIED SPEAKER: Mr. Chairman --  
 21 UNIDENTIFIED SPEAKER: Good job, Mr. Chairman.  
 22 GERALD MOAN: Please close the doors.  
 23 UNIDENTIFIED SPEAKER: Lock the doors.  
 24 GERALD MOAN: I will need a deputy secretary.  
 25 UNIDENTIFIED SPEAKER: I vote for somebody for --

1 GERALD MOAN: Time out. Time out. Everybody please  
 2 take your seats. I am deputizing -- Robin, okay, I just  
 3 need a list -- deputizing Robin to give me a list. Jim  
 4 took everything. Okay. We're going to do a roll call.  
 5 Time out. Everybody, please sit down. Please sit down.  
 6 Please sit down. We're all friendlies in the room.  
 7 UNIDENTIFIED SPEAKER: Yes.  
 8 UNIDENTIFIED SPEAKER: Not quite.  
 9 GERALD MOAN: No, no. We're all friendlies in the  
 10 room. Please sit down.  
 11 Mickey, they will come after you for  
 12 (inaudible) before they would come after me for  
 13 everything else. Yeah, it's the April -- I have a list.  
 14 It's some list. What we're going to do is to establish  
 15 how many people we have in the room by roll call.  
 16 TIM HALINAN: Mr. Chairman, my point of order would  
 17 address that.  
 18 GERALD MOAN: Which is?  
 19 TIM HALINAN: I'm Tim Halinan, and I'm from Wyoming.  
 20 I think it would be important that we would have a roll  
 21 call vote on Cedric's issue, then we know who is in the  
 22 room. And we also add to the legitimacy of the vote.  
 23 Thank you.  
 24 GERALD MOAN: You sure you don't want to run for  
 25 chair? Tim, that's an excellent suggestion, and that's

1 the way we'll do it. I need somebody to volunteer  
 2 that's not potentially a delegate to provide services as  
 3 a secretary.  
 4 UNIDENTIFIED SPEAKER: I motion for Bob Bowes to be  
 5 presiding secretary.  
 6 GERALD MOAN: He's a state under challenge, and he  
 7 is a state chair.  
 8 UNIDENTIFIED SPEAKER: No, I'm not challenged.  
 9 GERALD MOAN: Dave is okay. Bob Bowes --  
 10 MR. COOTER: Wait a minute.  
 11 GERALD MOAN: Okay. Bob, you be the guy.  
 12 UNIDENTIFIED SPEAKER: I second.  
 13 UNIDENTIFIED SPEAKER: I second.  
 14 GERALD MOAN: Come up, Bob. I deputize Bob, and  
 15 that's the power of the chair.  
 16 BOB BOWES: Thank you.  
 17 GERALD MOAN: Judy, do you have the final list, or  
 18 the list, or some list?  
 19 UNIDENTIFIED SPEAKER: Point of order, Mr. Chair.  
 20 GERALD MOAN: Yes, sir. Time out. Could we please  
 21 have order in the room.  
 22 UNIDENTIFIED SPEAKER: I question whether we have a  
 23 quorum in the room.  
 24 GERALD MOAN: My question -- the point of order that  
 25 was brought up previously will address that.

1 Bob, why don't you get up here so you can call  
2 them by name, okay, for purposes of roll call.  
3 UNIDENTIFIED SPEAKER: Gerry, there's people out in  
4 the hall that can't get in because the people won't let  
5 them in, and they're delegates.  
6 GERALD MOAN: Time out.  
7 UNIDENTIFIED SPEAKER: They haven't even been in  
8 here at all.  
9 GERALD MOAN: As some people have stated, there are  
10 members of the body that are outside that are being  
11 prevented from coming inside.  
12 UNIDENTIFIED SPEAKER: Yes.  
13 GERALD MOAN: So, therefore, security -- for  
14 example, folks are going to go out and determine who  
15 they are so that they can come back in, and we will have  
16 a short recess like for a second and a half. Don't get  
17 caught in the melee. Listen, if we attempt anything,  
18 you know what will be the phrase; so, therefore, if you  
19 go out into the melee, be professional, be courteous,  
20 and stay here.  
21 UNIDENTIFIED SPEAKER: Tell us when to return.  
22 GERALD MOAN: The house says stay here. So stay  
23 here.  
24 UNIDENTIFIED SPEAKER: Put a time on when you want  
25 to reconvene, Mr. Chairman.

1 GERALD MOAN: No, no. It's not going to be long  
2 enough to determine a time. As soon as they -- I want  
3 everybody to stay here.  
4 UNIDENTIFIED SPEAKER: Restroom.  
5 UNIDENTIFIED SPEAKER: We need a restroom break.  
6 GERALD MOAN: It's the only place we can be  
7 protected from outsiders.  
8 UNIDENTIFIED SPEAKER: I'm saying --  
9 KELLY ABT: Point of order, Mr. Chairman. I move  
10 that we stay in session and take care of business of the  
11 National Committee.  
12 GERALD MOAN: Okay.  
13 CAJUN JAMES: Mr. Chairman, now -- Cajun James from  
14 Montana. My plane just came in, and I was prevented  
15 from being able to enter the room. I have been a  
16 national delegate -- or National Committee member.  
17 Excuse me. And I'm on the list. I was lawfully elected  
18 in my state. There are no known challenges to Montana.  
19 There is no other Reform Party other than the one we  
20 built.  
21 GERALD MOAN: Okay. Is that Cajun James?  
22 CAJUN JAMES: Pardon?  
23 GERALD MOAN: Okay. You're the state chair, right?  
24 CAJUN JAMES: No, sir. I'm a National Committee  
25 member.

1 GERALD MOAN: Oh, okay.  
2 CAJUN JAMES: And I'm a chairman of the Lincoln  
3 County Reform Party.  
4 GERALD MOAN: Okay. Let's all sit down and remain  
5 calm. We're going to call the roll four times. We're  
6 going to call the roll, or you just want me to hold up?  
7 Those of you that go to the bathroom --  
8 JUDY DUFFY: Would the gentlernan that wanted to be  
9 here that hadn't signed in, could he come over and make  
10 sure he has registered?  
11 GERALD MOAN: Judy, all right. Everybody sit down.  
12 We've got enough -- all right. If you have to go for a  
13 biological reason, make sure that -- where is Judy  
14 Duffy?  
15 JUDY DUFFY: (Indicating.)  
16 UNIDENTIFIED SPEAKER: Mr. Moan, Chairman, could you  
17 go through this door here (indicating) and be escorted  
18 by security through this door?  
19 GERALD MOAN: For purposes of biological  
20 sophistication, we are going to take a five- or  
21 ten-minute recess. So be back in the hall by quarter to  
22 1:00.  
23 KELLY ABT: Mr. Chairman, point of order.  
24 Mr. Chairman.  
25 GERALD MOAN: Yeah.

1 KELLY ABT: Could we -- before the members leave,  
2 could we ask the members to hold off for just a moment,  
3 Mr. Chairman?  
4 GERALD MOAN: Everybody stop in your tracks. What's  
5 the problem, Kelly?  
6 KELLY ABT: Well, my concern is: Do we have access  
7 back into this room? Okay. All right.  
8 GERALD MOAN: Security forces for us members of the  
9 National Reform Party. All right. Take your break and  
10 hurry back.  
11 (Recess taken.)  
12 GERALD MOAN: Again, back to the air of  
13 professionalism that we're all going to maintain. The  
14 media folks have been so patient, I will give them every  
15 courtesy. The business of the party will continue in a  
16 serious, professional, and what -- we know what our  
17 mission is, so I would expect everybody to act with a  
18 professional demeanor. Okay?  
19 The next order of the day is due to  
20 Mr. Ventura's illogical defection from the party and a  
21 subsequent action of the Minnesota Executive Committee.  
22 They chose to withdraw between the national meeting,  
23 where they were seated, and today. Even though the  
24 three National Committee members from Minnesota were  
25 recognized on the web site, there was an official

1 business to do. And I will entertain a motion to  
2 provisionally recognize the National Committee members  
3 from the State of Minnesota for Mr. Reed.

4 JOHN MITCHELL: I so move.

5 GERALD MOAN: So moved by Mr. Mitchell.

6 UNIDENTIFIED SPEAKER: Second that.

7 UNIDENTIFIED SPEAKER: Second that.

8 GERALD MOAN: Would you like to comment on the  
9 motion?

10 CEDRIC SCOFIELD: I would like to read a motion --

11 GERALD MOAN: That would be perfect.

12 CEDRIC SCOFIELD: -- resolution.

13 UNIDENTIFIED SPEAKER: Can you come to the  
14 microphone?

15 GERALD MOAN: Microphone, Cedric. Get used to this,  
16 buddy.

17 CEDRIC SCOFIELD: This is a resolution for  
18 provisional recognition of the Minnesota Reform Party.

19 Whereas, a Minnesota Reform Party was founded at a  
20 founding convention held April 7th in the year 2000,  
21 pursuant to a public, founding convention call, for  
22 purpose of the affiliation of the United States of  
23 America;

24 Whereas, the Minnesota Reform Party has  
25 requested affiliation with the Reform Party of the

1 UNIDENTIFIED SPEAKER: No.

2 GERALD MOAN: We must establish --

3 TIM HALINAN: There has not been a quorum call by  
4 individual. Call a name, "So and so is here." Let's  
5 make a good legal case that we are a quorum. It's very  
6 simple. One quorum vote on this issue.

7 UNIDENTIFIED SPEAKER: I object to the consideration  
8 of that motion.

9 KELLY ABT: Mr. Chairman --

10 GERALD MOAN: Time out, Mr. Abt. What we are doing  
11 is establishing a number in the room, and the  
12 substantive business -- we will establish a quorum call  
13 before the substantive business that comes before the  
14 party. And, Kelly, you have a --

15 KELLY ABT: I just -- I move that the motion not be  
16 considered.

17 UNIDENTIFIED SPEAKER: Second.

18 UNIDENTIFIED SPEAKER: Second.

19 UNIDENTIFIED SPEAKER: Second.

20 GERALD MOAN: You make a motion that it not be  
21 considered.

22 UNIDENTIFIED SPEAKER: He's objected to the  
23 consideration.

24 KELLY ABT: Motion to object to the consideration.

25 BOB BOWES: Motion to table, sir.

1 United States of America and forwarded copies of the  
2 founding convention call, founding convention minutes,  
3 Constitution and Bylaws, and Federal Election Commission  
4 and Minnesota Financial Disclosure Board filings to the  
5 Reform Party of the United States of America Credentials  
6 Committee;

7 Resolved, that the Minnesota Reform Party be  
8 granted provisional state organization recognition and  
9 that Moonyman Bergoords, Robert Ingram, Mike Meuxium be  
10 seated as the members of the National Committee.

11 GERALD MOAN: I thought Chicago was the windy city.  
12 Is there a second to the motion?

13 UNIDENTIFIED SPEAKER: Second.

14 UNIDENTIFIED SPEAKER: Second.

15 GERALD MOAN: Seconded by the room.

16 UNIDENTIFIED SPEAKER: Can I have that resolution?

17 GERALD MOAN: Mr. Bowes is acting as my secretary.  
18 He will not have to sit on my lap. Says the White House  
19 and I have no illusions.

20 TIM HALINAN: Point of order, Mr. Chairman.

21 GERALD MOAN: Yes, sir, Mr. Halinan.

22 TIM HALINAN: That on the -- I'm Tim Halinan from  
23 Wyoming. When we vote on this, I request we vote as a  
24 roll call; and we'll see if we have a quorum, and we can  
25 guarantee that.

1 GERALD MOAN: Motion to table, is that what it is?

2 UNIDENTIFIED SPEAKER: He was objecting to the  
3 consideration of the motion. If we vote to it, it's  
4 objected --

5 KELLY ABT: Mr. Chairman --

6 GERALD MOAN: Help me to clarify what you're  
7 objecting to.

8 KELLY ABT: I am objecting to the motion made by the  
9 other member who made a motion that a roll call be made.  
10 And I made a motion not to consider.

11 UNIDENTIFIED SPEAKER: Why don't you make it  
12 substantive to have a standing vote.

13 DAVE GOLDMAN: A substitute motion, Mr. Abt, if I  
14 may.

15 GERALD MOAN: Mr. Goldman?

16 DAVE GOLDMAN: Mr. Chairman, if I could make a  
17 substitute motion for Mr. Abt's motion. I would move  
18 that we table the motion to conduct to determine if we  
19 have a quorum until such time as we finish the  
20 credentialing process and hear the challenges.

21 UNIDENTIFIED SPEAKER: I move to object to the  
22 consideration of that motion, as well.

23 GERALD MOAN: Time out, guys. Let's line up. We're  
24 objecting to object to the objection. Is that what I  
25 understand?

1 DAVE GOLDMAN: Mr. Chairman, may I approach the  
2 chair?  
3 GERALD MOAN: Yes, sir.  
4 UNIDENTIFIED SPEAKER: Mr. Chairman, my point of  
5 order, I have something that may be of interest. I  
6 would withdraw my point of order, and I would request we  
7 go ahead and credential our states, then we will have a  
8 quorum.  
9 GERALD MOAN: That's correct. On the motion to give  
10 provisional recognition to Minnesota, I need all those  
11 in favor to stand up and yell "Aye." All those opposed,  
12 stand up and say "Nay."  
13 (Approximately two nays.)  
14 GERALD MOAN: So recorded. Will the three members  
15 from Minnesota stand up and -- okay. Welcome. Are  
16 there other members in the room? What's the first  
17 state, Bob?  
18 BOB BOWES: Alabama.  
19 GERALD MOAN: Any challenges to Alabama?  
20 UNIDENTIFIED SPEAKER: None.  
21 UNIDENTIFIED SPEAKER: No, sir.  
22 GERALD MOAN: Somebody needs to check the hall if  
23 anybody -- Bob, where is Belcher?  
24 BOB BELCHER: Right here (indicating).  
25 GERALD MOAN: Bob, is there any challenge to you in

1 few minutes.  
2 GERALD MOAN: Ray is here?  
3 UNIDENTIFIED SPEAKER: Ray is present, and so is  
4 Brian.  
5 GERALD MOAN: Great. Thank you. Is Colorado in the  
6 room?  
7 UNIDENTIFIED SPEAKER: They're right outside.  
8 Mr. Chairman. Should I bring them in?  
9 UNIDENTIFIED SPEAKER: Challengers are outside.  
10 UNIDENTIFIED SPEAKER: Mr. Chairman, what was your  
11 rule on California?  
12 GERALD MOAN: You three are the National Committee  
13 members of the State of California. The next four  
14 states that we will consider challenges are Connecticut,  
15 D.C., Delaware, and Florida.  
16 DAVE GOLDMAN: Connecticut, D.C.?  
17 GERALD MOAN: Delaware and Florida, anybody out  
18 there? Do we have a challenger from Colorado? Please  
19 take the microphone. Hurry. Is the existing delegation  
20 from Colorado present?  
21 UNIDENTIFIED SPEAKER: They left.  
22 GERALD MOAN: Okay. All right. Please comment --  
23 forget it. Let's get on with business.  
24 Dan, state your challenge to the state briefly.  
25 DAN CHARLES: My name is Dan Charles. I'm the chair

1 the original set of stuff?  
2 BOB BELCHER: None, sir.  
3 GERALD MOAN: Okay. So for purposes of challenge,  
4 is there any challenges to the State of Arkansas?  
5 Basically, what's happening, we're asking outside to  
6 make sure that all of our bases are covered.  
7 UNIDENTIFIED SPEAKER: Arizona is next.  
8 GERALD MOAN: All right. I just want to establish  
9 that the people challenged Arkansas, and what that  
10 challenge consisted of was their state chair deciding to  
11 have a meeting in his house, call it a convention, and  
12 say that the two gentlemen that are present here that  
13 spent their money here cannot be here. So that was the  
14 essence of the challenge. It was a lot of things that  
15 didn't comport to -- part of it was the Arkansas State  
16 Constitution and its election law.  
17 Is there any challenges, inside or outside the  
18 room, of Arizona? Any challenges, inside or outside the  
19 room, of Arizona? The officially recognized National  
20 Committee members will stand up. Russ and Margo  
21 Whittenberg and Gene Kerkman are state chair.  
22 Anybody here from California? Are there any  
23 oppositions to California? Being no opposition,  
24 California is -- Susan, are you standing alone?  
25 SUE HARRIS DEBAUCHE: Yes. They're out just for a

1 of the Colorado Freedom Party. We were formed on the  
2 28th of May, after being locked out of all political  
3 processes by the Colorado Reform Party. Subsequent to  
4 that, we both held conventions. At our convention, we  
5 elected full states of delegates and National Committee  
6 members, officers, all in accordance with the provisions  
7 of both the National Constitution and our own  
8 Constitution, as well as the state laws of the State of  
9 Colorado.  
10 At the Colorado Reform Party convention, they  
11 went about the business of reversing all of the rules  
12 required to lock us out of the process in order to  
13 include Natural Law Party members in their processes.  
14 In disgust, several of their National Committee members  
15 resigned, including Ray Lashly -- this is a copy of his  
16 letter of resignation (indicating) -- and Robert Wilson.  
17 Michael Corbitt did not resign and did, however, walk  
18 into our convention.  
19 Following that, their entire Executive  
20 Committee collapsed. They went about the business,  
21 among the three members remaining, of appointing  
22 replacements. That committee then changed the bylaws,  
23 and they elected their three National Committee members  
24 simply by changing the bylaws instead of at a state  
25 convention.

1 GERALD MOAN: Dan, I hate to cut you off, but that's  
 2 your three minutes of fame.  
 3 UNIDENTIFIED SPEAKER: That's just about what I was  
 4 going to say.  
 5 GERALD MOAN: Is there a member that rises in  
 6 opposition?  
 7 UNIDENTIFIED SPEAKER: Point of order.  
 8 GERALD MOAN: Yes, sir.  
 9 UNIDENTIFIED SPEAKER: Are we now allowing a  
 10 political party from a different political party, other  
 11 than the Reform Party, to challenge Reform Party  
 12 affiliated states? This is a Reform Party. We've also  
 13 heard there are Natural Law Parties that are challenging  
 14 Reform Parties. Are we going to allow this?  
 15 GERALD MOAN: No, no, no, no. Bob, if you let me  
 16 finish, the thing is, what we've established in some  
 17 states, that there are people that were not allowed to  
 18 participate in the Reform Party. And in some cases,  
 19 that, you know, the body is going to decide. What is  
 20 these cards everybody is showing me?  
 21 DAN CHARLES: Oh, these cards that we're showing,  
 22 these are our membership cards in the Colorado Reform  
 23 Party. We are -- all three of us are dues-paying  
 24 members, all registered to vote Colorado Reform.  
 25 GERALD MOAN: Other thing, Bob, is: Some cases,

1 waste of time, and it's not within the party rules.  
 2 GERALD MOAN: Yeah. But, Bob, the problem is -- and  
 3 I can talk to Colorado since I was involved in the  
 4 process. I begged and pleaded with the State of  
 5 Colorado, people that I know, that I've worked with for  
 6 years, to be inclusionary. I said, "Let's go negotiate.  
 7 You guys sit at this end of the table, and you sit at  
 8 this end of the table. And if you want to come together  
 9 as one party under the Reform Party name, let's get it  
 10 done. You negotiate every position. You negotiate  
 11 every congressional district."  
 12 And the reply from the Colorado Reform Party  
 13 leadership was -- and in some cases, not all of the  
 14 leadership -- was, "We don't want them in our party."  
 15 Well, our party means that both sides of the table are  
 16 part of that party, both sides of the table.  
 17 Now, the thing is, they are card-carrying  
 18 members of the Colorado Reform Party. And because they  
 19 decided we're not challenging Nevada, who's decided,  
 20 because of their election law, to call themselves  
 21 citizens first, we're not challenging them at all. So  
 22 the voters of this body will decide the direction of  
 23 this party.  
 24 TIM MILLER: Point of order, sir.  
 25 GERALD MOAN: Yes, sir.

1 they may not be able to use the name of the Reform Party  
 2 for any part of --  
 3 BOB BATCHELDER: Why don't we challenge Reform Party  
 4 as Reform Party.  
 5 GERALD MOAN: I can answer that. Time out. Bob,  
 6 why don't you come to the mike so everybody can hear  
 7 you, as well.  
 8 DAN CHARLES: May I respond to that question?  
 9 GERALD MOAN: Listen, this is a National Committee  
 10 meeting. Everybody is in the same boat as we speak.  
 11 Bob, go ahead.  
 12 BOB BATCHELDER: Why aren't they being challenged  
 13 as -- why aren't they challenging as members of the  
 14 Reform Party? Why are they being allowed to challenge  
 15 as members of a completely entirely different political  
 16 party?  
 17 This would be the same thing as if they went  
 18 back and joined the Republican Party and then came into  
 19 this convention hall in this National Committee meeting  
 20 and challenged the Reform Party of the state they're  
 21 challenging from as Republicans or as Democrats or as  
 22 Natural Law or as Libertarians, only in this case, it's  
 23 Freedom Party are being allowed to do that. Why are we  
 24 allowing members of other parties to challenge our  
 25 organization? I think that's frivolous, and it's a

1 TIM MILLER: I respectfully request we deal with the  
 2 clear matter of bifurcation of noninterparty disputes  
 3 last and deal with intraparty disputes first. This has  
 4 been brought up many times before this, early --  
 5 GERALD MOAN: Well, let the body decide in Colorado,  
 6 since the arguments have been heard.  
 7 UNIDENTIFIED SPEAKER: Call for the question.  
 8 GERALD MOAN: Call the question. The question is  
 9 called.  
 10 UNIDENTIFIED SPEAKER: Second.  
 11 GERALD MOAN: Thank you. On the question, all those  
 12 in favor of seating members -- card-carrying members of  
 13 the Colorado Reform Party, known as the Colorado Freedom  
 14 Party, signify by standing up and saying "Yes?"  
 15 (Majority stand up.)  
 16 UNIDENTIFIED SPEAKER: Vote.  
 17 UNIDENTIFIED SPEAKER: Vote.  
 18 GERALD MOAN: All those opposed? I'm sorry, Bob.  
 19 Stand up, please.  
 20 UNIDENTIFIED SPEAKER: I'm sorry. I oppose -- I'm  
 21 sorry. I can't accept that.  
 22 UNIDENTIFIED SPEAKER: That's too bad.  
 23 GERALD MOAN: How many people are opposed? Please  
 24 stand up so we have a record for the roll. About two.  
 25 UNIDENTIFIED SPEAKER: Abstain.

1 GERALD MOAN: And an abstention -- two abstentions,  
 2 three, four. Stand up, abstentions. I want to get  
 3 everybody exercise. About four abstentions.  
 4 Are there any challenges to Connecticut in the  
 5 room?  
 6 BOB BOWES: I'll state the names.  
 7 GERALD MOAN: You know what? For this purpose,  
 8 anybody who wants to challenge, come in. They can stand  
 9 there and --  
 10 BOB BOWES: What are the names of -- the Colorado  
 11 new names?  
 12 GERALD MOAN: Colorado names, Dan Charles, your  
 13 members?  
 14 DAN CHARLES: Oh, Perry Moore Ellis and Patrick  
 15 Dolan.  
 16 GERALD MOAN: Yes.  
 17 UNIDENTIFIED SPEAKER: Mr. Chairman, for the record,  
 18 would you please state that the new Colorado members are  
 19 eligible to vote?  
 20 GERALD MOAN: In what?  
 21 UNIDENTIFIED SPEAKER: Subsequent voting.  
 22 Subsequent voting from here on.  
 23 GERALD MOAN: They've been accepted for membership  
 24 in this committee. That gives them the privilege to  
 25 vote, yeah.

1 TIM MILLER: Was there a ruling on my  
 2 recommendation?  
 3 GERALD MOAN: Which one, Tim? I'm sorry.  
 4 TIM MILLER: To pause on alphabetical listing in  
 5 matters of clear bifurcation or noninterparty disputes,  
 6 to save those until last?  
 7 GERALD MOAN: Everybody understand what he said?  
 8 UNIDENTIFIED SPEAKER: No.  
 9 GERALD MOAN: Explain it in English. I'm not --  
 10 TIM MILLER: When there's clear issues of two  
 11 parties competing for SPO recognition, those should be  
 12 saved until the end. This party has been given the  
 13 power to deal with interparty disputes very clearly.  
 14 The other is less clear. Let's get to the very clear  
 15 ones first.  
 16 GERALD MOAN: I see what you're saying now. I think  
 17 what Tim is saying -- and correct me if I'm wrong --  
 18 there is certain authority vested in the National  
 19 Committee that is not vested in -- the National  
 20 Committee versus the National Convention, is that  
 21 your --  
 22 TIM MILLER: That's correct. Some are clear, and  
 23 some are less --  
 24 GERALD MOAN: Some are less clear. Okay. That's  
 25 fine.

1 TIM MILLER: It's very clear we are dealing with  
 2 intraparty disputes; therefore, deal with those first.  
 3 Save the clear matters of bifurcation for interparty  
 4 disputes.  
 5 GERALD MOAN: I can say I agree with that ruling.  
 6 UNIDENTIFIED SPEAKER: Mr. Chairman, we're not  
 7 deciding affiliation here in the case of the Colorado  
 8 Freedom Party. What we are doing is deciding who the  
 9 affiliated members are. And since there is no  
 10 opposition -- they did not show up.  
 11 GERALD MOAN: Don't use the word "affiliation" with  
 12 regard --  
 13 UNIDENTIFIED SPEAKER: I'm saying we're not doing  
 14 that.  
 15 GERALD MOAN: They are the registered members?  
 16 UNIDENTIFIED SPEAKER: Correct. And if the state's  
 17 National Committee members are not present, they are  
 18 forfeiting their rights to be seated here in this  
 19 meeting. It was in done in Nashville. In the case of  
 20 the New Jersey situation, we're not changing  
 21 affiliation. We're just simply seating members of that  
 22 state to the National Committee.  
 23 GERALD MOAN: That's correct. We're not determining  
 24 affiliation. That would be decided by the Credential  
 25 Committee, with Mr. Reed as a chair.

1 KELLY ABT: Point of order, Mr. Chairman. I want to  
 2 get up and speak on behalf of going in alphabetical  
 3 format and suggest we go ahead and handle all these  
 4 disputes in the methods which are currently under way.  
 5 And, in fact, in each of these situations where we're  
 6 looking at National Committee members and who is a  
 7 member of this committee, this body certainly has the  
 8 ability to make that determination on its own. And I'll  
 9 just close with that statement.  
 10 GERALD MOAN: Thank you.  
 11 UNIDENTIFIED SPEAKER: Mr. Chairman?  
 12 GERALD MOAN: Alphabetical is the rule of the day,  
 13 Gerry. Thanks.  
 14 UNIDENTIFIED SPEAKER: Mr. Chairman, I need to make  
 15 one point of clarification, please. This gentleman  
 16 here, what's your --  
 17 TIM MILLER: Tim Miller.  
 18 UNIDENTIFIED SPEAKER: Tim Miller, Arkansas, he made  
 19 a point of distinction between bifurcation of parties --  
 20 two opposing parties in the same state. But we have two  
 21 situations with interparties. One is Virginia. One is  
 22 certainly (inaudible) in the case of Georgia. Georgia  
 23 Freedom Party owns the corporation papers for the  
 24 Georgia Reform Party, so it's an interparty problem.  
 25 GERALD MOAN: Jerry, that would be a matter as you

1 bring it to the original Credential Committee.  
 2 UNIDENTIFIED SPEAKER: Thank you.  
 3 GERALD MOAN: Moving right along, as we have.  
 4 Connecticut, any challenge? No challenge. If so, the  
 5 former delegation is here.  
 6 BOB BOWES: Bob Davidson, Donna Donovan, Loretta  
 7 Farren.  
 8 GERALD MOAN: They've voted with their feet.  
 9 BOB BOWES: No challenge.  
 10 GERALD MOAN: No challenge. They're still members.  
 11 All that is, is they're not present. Time out. The  
 12 only challenges -- there is no challenges from  
 13 Connecticut. There was no challenges in the beginning.  
 14 There's no challenges now. z  
 15 BOB-BOWES: D.C.  
 16 GERALD MOAN: D.C., District of Columbia. I'm  
 17 assuming --  
 18 BOB BOWES: (Inaudible) is the only one.  
 19 JOHN HEMINGWAY: Mr. Chairman, thank you for hearing  
 20 our presentation today. My name is John Hemingway. I'm  
 21 chairman of D.C. Reform Committee. I'm accompanied by  
 22 Andrew Parker and Phil Alexander, who are also members.  
 23 The nut -- the numb -- how can I say? The nut -- the  
 24 essence of our problem is an interpretation of the  
 25 bylaws, the bylaws of the District of Columbia Reform

1 Party.  
 2 We, the District of Columbia Reform Party,  
 3 require that in order to vote or to participate in major  
 4 convention nomination of delegations is that you must be  
 5 a citizen of the United States of America, and you must  
 6 be a resident of the District of Columbia. A number of  
 7 people appeared with exactly those qualifications,  
 8 including myself. And the chairman of the meeting, one  
 9 Donna Wachs, said that it was only common sense that  
 10 people should be registered in the party for some time  
 11 before being allowed to vote for anything.  
 12 Well, the bylaws don't mention "some time."  
 13 They have only two qualifications: Citizen of the  
 14 United States and resident of the District of Columbia.  
 15 Everybody there who walked out of the meeting, when it  
 16 became clear that it was going to be a rigged meeting,  
 17 and the outnumbered -- the people who stayed in the room  
 18 went outside and elected a proper delegation, which we  
 19 believe we represent here today for the Reform Party.  
 20 A note containing this was sent to Mr. Frank  
 21 Reed, Reform Party Credentials Committee, on July 23rd.  
 22 And a list of the officers elected at that meeting and  
 23 the delegates were presented to him. We think we're in  
 24 order, and we note at the present time there is no  
 25 opposition to seating of these delegations from

1 alternate delegates.  
 2 GERALD MOAN: Frank --  
 3 JOHN HEMINGWAY: That's my presentation. I don't  
 4 need more time.  
 5 GERALD MOAN: Now or tomorrow, or is it an  
 6 affiliation question? Are you from the same Reform  
 7 Party?  
 8 UNIDENTIFIED SPEAKER: Same SPD.  
 9 GERALD MOAN: Same state affiliated organizations?  
 10 UNIDENTIFIED SPEAKER: Absolutely. Same name, same  
 11 place, same everything, same ideas to expand the  
 12 importance and influence of the Reform Party of the  
 13 District of Columbia.  
 14 UNIDENTIFIED SPEAKER: I just want to ask a  
 15 question. When they said for "some time," can you give  
 16 us an idea, was it a month, two months?  
 17 UNIDENTIFIED SPEAKER: No, I can't, because that's  
 18 in the mind of the opponents who were, in effect,  
 19 unilaterally amending the bylaws without authority.  
 20 GERALD MOAN: Okay.  
 21 UNIDENTIFIED SPEAKER: We don't believe there is  
 22 such an undefinable measure of time.  
 23 UNIDENTIFIED SPEAKER: Gerry, I think this is one of  
 24 those cases where this group claims to be members of the  
 25 affiliated state party organization, the D.C. Reform

1 Party. But they were denied the right to participate  
 2 unfairly or in violation of their bylaws. And I think  
 3 this group can decide that question.  
 4 If they agree that they were unfairly, or in  
 5 violation of the rules, denied the right to participate,  
 6 then I think they would be empowered to make a decision  
 7 on that basis. If they don't agree that that happened,  
 8 then they should stick with the D.C. Reform Party report  
 9 by the state party chair.  
 10 UNIDENTIFIED SPEAKER: Question?  
 11 UNIDENTIFIED SPEAKER: Call for the question.  
 12 GERALD MOAN: Is there a call to entertain a motion  
 13 to accept the members from D.C. as present, standing  
 14 before you?  
 15 UNIDENTIFIED SPEAKER: The other side here?  
 16 UNIDENTIFIED SPEAKER: No, none of them are here.  
 17 GERALD MOAN: The motion has been made. William  
 18 Shields -- and has been duly seconded by Russ  
 19 Whittenberg on the question. All those in favor of  
 20 seating this delegation from D.C. before you -- don't  
 21 get testy over there -- all stand up and say "Aye."  
 22 (Majority stand up.)  
 23 GERALD MOAN: All those opposed? Is there any  
 24 opposition?  
 25 UNIDENTIFIED SPEAKER: No.

1 BOB BOWES: Any abstentions?  
 2 UNIDENTIFIED SPEAKER: I do.  
 3 GERALD MOAN: Jack Paulson, two abstentions.  
 4 UNIDENTIFIED SPEAKER: Yeah.  
 5 GERALD MOAN: Okay. All right. Moving -- thank  
 6 you -- to the members of D.C., please identify yourself.  
 7 UNIDENTIFIED SPEAKER: The District of Columbia  
 8 Reform Party thanks the chair and thanks fellow members.  
 9 And the new members are Phil Alexander, Andrew Parker,  
 10 and John Hemingway, who is chairman of the party.  
 11 GERALD MOAN: Great. Thank you.  
 12 UNIDENTIFIED SPEAKER: Thank you.  
 13 GERALD MOAN: There was no challenge to Delaware, as  
 14 I'm aware.  
 15 Florida, any challenge to Florida?  
 16 DAVE GOLDMAN: Yes, sir.  
 17 GERALD MOAN: Huh?  
 18 DAVE GOLDMAN: As befits only the Reform Party, I  
 19 challenge myself. If I can explain, sir.  
 20 GERALD MOAN: Only Dave could do that. All right.  
 21 Come on, let's go. We've got business to conduct.  
 22 DAVE GOLDMAN: The membership of our party issued a  
 23 call for a state convention in Gainesville on  
 24 August 5th. At that convention, James (inaudible) and  
 25 Jim McConnell were elected -- elected to the National

1 Committee. Article 2, Section 10 of our bylaws grants  
 2 our members the right to call a convention. They called  
 3 the convention, and they elected these three people  
 4 National Committee members.  
 5 What we have to understand, there is a bylaw in  
 6 our rules under Article 3, Section 1, that says, and I  
 7 quote, "State Executive Committee member may not hold,"  
 8 quote, "more than one office which is subject to  
 9 election by party membership." In the case of our  
 10 National Committee, the three members listed -- myself,  
 11 (inaudible), and Pauline Klein -- are each members of  
 12 the National Committee and the state Executive  
 13 Committee.  
 14 In other words, the results are, we are  
 15 ineligible to serve. So the elections -- what I'm  
 16 asking this body to do is to affirm, one, the results of  
 17 the convention that the members called, per Article 2,  
 18 Section 10, to affirm the convention in Gainesville;  
 19 and, two, to affirm the results of that convention with  
 20 respect to these three individuals as National Committee  
 21 members: Elaine James, Barbara Susko, and Jim  
 22 McConnell. And I would so move the body at this time.  
 23 GERALD MOAN: Question on the motion. Was there  
 24 another state convention?  
 25 DAVE GOLDMAN: There was, but it was not -- it was

1 not held within the requisite 30-day notice. Article 2,  
 2 Section 10 provides that there needs to be a 30-day  
 3 notice. Their notice was sent out on July 17th, and  
 4 they set it for the same date and time. They set it for  
 5 August 5th, to give you chronology, Mr. Chair.  
 6 GERALD MOAN: All I want to know: Was there a  
 7 separate meeting?  
 8 DAVE GOLDMAN: Yes, there was. But it was illegally  
 9 called.  
 10 GERALD MOAN: Fine. On the motion, is there a  
 11 second?  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 UNIDENTIFIED SPEAKER: Second.  
 14 GERALD MOAN: The motion is to accept the three  
 15 members of Florida and reaffirm whatever Dave said.  
 16 DAVE GOLDMAN: To affirm the results of the  
 17 Gainesville convention.  
 18 GERALD MOAN: Thank you. All those in favor, stand  
 19 up and say "Aye."  
 20 (Majority stand up.)  
 21 GERALD MOAN: All those opposed?  
 22 UNIDENTIFIED SPEAKER: No.  
 23 GERALD MOAN: Any abstentions, stand up with your  
 24 abstentions, please. We've got three. Frank's going to  
 25 have a good day tomorrow. You're going to have a good

1 day. You're on your own.  
 2 Is there any challenges from Georgia?  
 3 DAVE GOLDMAN: Thank you, Mr. Chairman.  
 4 GERALD MOAN: Thank you to the delegates from  
 5 Florida. Okay. Time out. Georgia, who speaks for  
 6 Georgia?  
 7 UNIDENTIFIED SPEAKER: Well, I think that's a good  
 8 question.  
 9 UNIDENTIFIED SPEAKER: Yes, Mr. Chair.  
 10 GERALD MOAN: Name, state.  
 11 DAVID DENNY: My name is David Denny. This is  
 12 Charles Collins and the Georgia Reform Party. These  
 13 are -- these two folks are from Freedom Party. We have  
 14 a contention of which is the actual party that  
 15 represents the State of Georgia. We are the affiliated  
 16 state party, Reform Party, of Georgia. We were --  
 17 Mr. Collins and I were the alternates.  
 18 GERALD MOAN: Okay. If this is an affiliation  
 19 question --  
 20 DAVID DENNY: Yes, sir.  
 21 GERALD MOAN: -- it is not in the purview of the  
 22 National Committee to hear that here. That will be  
 23 under the National Convention credentialing process.  
 24 Okay? You understand that's the bifurcation thing that  
 25 Tim was talking about?

1 DAVID DENNY: Yes, sir.  
 2 GERALD MOAN: Therefore, it will be handled by the  
 3 National Credentialing Committee.  
 4 DAVID DENNY: Yes, sir. And we are -- Mr. Collins  
 5 and I are the alternates to the national party from --  
 6 affiliated party of Georgia.  
 7 GERALD MOAN: I think (inaudible) put out something  
 8 to that effect.  
 9 DAVID DENNY: Yes, sir.  
 10 GERALD MOAN: Charles and the other gentleman --  
 11 again, your name?  
 12 DAVID DENNY: Dave Denny.  
 13 GERALD MOAN: Dave. And what is your name, sir?  
 14 JAMES HARGRAVE: Hargrave, James Hargrave. This is  
 15 my wife, Nan.  
 16 GERALD MOAN: All you folks make sure you have  
 17 proper hookup with Frank Reed. Make sure your time and  
 18 date have been established for the love-in at the  
 19 Credentials Committee tomorrow.  
 20 UNIDENTIFIED SPEAKER: One of the things I'm just  
 21 curious about. One of the things I was just curious  
 22 about. I guess this has happened in other states on the  
 23 differences that have developed, you might say, with the  
 24 native Reform Party where, in our case, they wouldn't  
 25 hold a convention because too many Buchananites are

1 UNIDENTIFIED SPEAKER: Yeah. The only other thing  
 2 was, I didn't want to give the impression that everybody  
 3 in the Georgia Freedom Party -- officially, that's what  
 4 we're called -- were not -- were not and had not been  
 5 affiliated with the Reform Party, you know.  
 6 GERALD MOAN: We've got a lot -- we're going to go  
 7 forward. Thank you. And we'll see you tomorrow.  
 8 DAVID DENNY: Gerry, Ann said would you go ahead and  
 9 seat us as the alternates today on the National  
 10 Committee?  
 11 GERALD MOAN: Yeah. I mean, for purposes of quorum,  
 12 you could be seated, but knowing that there's a  
 13 challenge of the whole affiliation. That's something we  
 14 can't do at the National Committee.  
 15 UNIDENTIFIED SPEAKER: Right.  
 16 GERALD MOAN: David Denny and Charles Collins are  
 17 here for Georgia.  
 18 BOB BOWES: Yes, sir.  
 19 GERALD MOAN: And the affiliation question will be  
 20 handled by tomorrow.  
 21 TIM MILLER: They're on the web site.  
 22 GERALD MOAN: They're on the web site as duly  
 23 registered by the secretary. Okay. Now, let's not go  
 24 there.  
 25 Anybody here from Hawaii?

1 coming into the party and that kind of stuff --  
 2 GERALD MOAN: I hate to cut you off. We have a lot  
 3 of business to discuss. That's all testimony for  
 4 tomorrow.  
 5 UNIDENTIFIED SPEAKER: Okay.  
 6 GERALD MOAN: Understand?  
 7 UNIDENTIFIED SPEAKER: When and where should we go?  
 8 GERALD MOAN: Talk to Frank Reed. Frank, stand up.  
 9 UNIDENTIFIED SPEAKER: Okay.  
 10 FRANK REED: Just as general comment, the committee  
 11 room is in the Convention Center. I don't know where it  
 12 is. I haven't been over there yet. But Terry has. So  
 13 any conventional issues, anybody should go to that room  
 14 tomorrow, because we're going to have to be a little  
 15 flexible in scheduling because of certain things that  
 16 have happened.  
 17 GERALD MOAN: You can go over to the -- by the way,  
 18 for those of you that don't know, we have an office set  
 19 up, Reform Party office, information, all that kind of  
 20 good stuff, over in the Convention Center already. It's  
 21 been set up. It will operate between the hours 7:00 and  
 22 6:00 p.m., 7:00 a.m. to 6:00 p.m. Go over there and  
 23 check with the folks across the street, make sure that  
 24 you're registered or people know what time and what --  
 25 where that room is.

1 Hawaii, yes?  
 2 BOB BOWES: Charles Collins.  
 3 GERALD MOAN: And Denny is seated. Charles, are you  
 4 folks leaving?  
 5 BOB BOWES: Charles and Denny.  
 6 UNIDENTIFIED SPEAKER: Hey, Georgia.  
 7 BOB BOWES: David and Charles.  
 8 DAVID DENNY: We're just going outside.  
 9 GERALD MOAN: Okay. But you are here.  
 10 DAVID DENNY: Yes, I hope so.  
 11 GERALD MOAN: Thank you, sir. Hawaii, who stands in  
 12 front of that microphone?  
 13 JOHNNIE JACKSON: I do. Aloha, everyone. My name  
 14 is Johnnie Jackson. I represent the Reform Party of  
 15 Hawaii. This is Kristen Hopkins and Mark Terry. On  
 16 December 12, 1999 invitations received from the Reform  
 17 Party in Hawaii at this meeting, I was elected interim  
 18 chair. Chad Love, who didn't even show up, by the way,  
 19 was elected treasurer. He wasn't happy the ways things  
 20 went and went out on his own and formed the Hawaii  
 21 Reform Party, which was separate from what we were  
 22 doing.  
 23 GERALD MOAN: Johnnie, we've heard this in  
 24 Nashville, same deal. What I'm going to do is attempt  
 25 to abbreviate; because, basically, the convention was

1 you -- the Reform Party of Hawaii had a meeting,  
 2 correct?  
 3 JOHNNIE JACKSON: That's true.  
 4 GERALD MOAN: You were elected chair?  
 5 JOHNNIE JACKSON: Yes.  
 6 GERALD MOAN: Mr. Love was elected secretary?  
 7 JOHNNIE JACKSON: Treasurer.  
 8 GERALD MOAN: Treasurer. Is that the way you see  
 9 it?  
 10 JOHNNIE JACKSON: Yes, it is.  
 11 GERALD MOAN: I'll entertain a motion and recognize  
 12 these three delegates from Hawaii.  
 13 UNIDENTIFIED SPEAKER: So moved.  
 14 UNIDENTIFIED SPEAKER: Point of order.  
 15 GERALD MOAN: Point of order.  
 16 UNIDENTIFIED SPEAKER: My understanding is that  
 17 Hawaii did not have a 25 percent representation at the  
 18 last convention; is that correct?  
 19 GERALD MOAN: But the National Committee meeting and  
 20 Nashville seated them. They did.  
 21 UNIDENTIFIED SPEAKER: Seated Johnnie Jackson as  
 22 chair.  
 23 UNIDENTIFIED SPEAKER: I understand they seated  
 24 them. Did they reaffiliate the state?  
 25 GERALD MOAN: The provisional recognition was

1 Reform to even attend. He didn't even show up. As far  
 2 as ballot access goes, he got 40 signatures, well over  
 3 3,000 Reform Party. I started with six people. I have  
 4 now 2,000 registered Reformers, with 85 of them  
 5 attending my meetings once a month. 46 of those people  
 6 are working on election day. The Democrats are insane  
 7 over in Hawaii.  
 8 GERALD MOAN: Okay, Johnnie. Thank you. I'll  
 9 entertain a motion. Is there any opposition? Any  
 10 other -- speak, Kelly.  
 11 KELLY ABT: Yeah. I'd like to make a motion to seat  
 12 this delegation from Hawaii.  
 13 UNIDENTIFIED SPEAKER: Second it.  
 14 UNIDENTIFIED SPEAKER: Second.  
 15 GERALD MOAN: So moved. All those in favor?  
 16 (Majority said "Aye.")  
 17 UNIDENTIFIED SPEAKER: Thank you.  
 18 GERALD MOAN: All those opposed? Anybody in  
 19 opposition?  
 20 UNIDENTIFIED SPEAKER: Brian.  
 21 UNIDENTIFIED SPEAKER: Abstention?  
 22 GERALD MOAN: Abstention? Any abstentions?  
 23 UNIDENTIFIED SPEAKER: Idaho, we have three  
 24 delegates in the room. Excuse me. I'm sorry. National  
 25 Committee members, delegates. I get it all confused.

1 granted by them being seated at a National Committee  
 2 meeting.  
 3 UNIDENTIFIED SPEAKER: So that's the ruling of the  
 4 chair?  
 5 GERALD MOAN: Yes, it is.  
 6 UNIDENTIFIED SPEAKER: Thank you.  
 7 GERALD MOAN: All those in favor?  
 8 UNIDENTIFIED SPEAKER: Is there opposition to this?  
 9 GERALD MOAN: Is there opposition to seating Hawaii?  
 10 BRIAN STRANSKY: Yes.  
 11 GERALD MOAN: Okay.  
 12 BRIAN STRANSKY: I'm Brian Stransky from California.  
 13 I would just like -- I don't object specifically. I  
 14 would like to hear her explanation, because I'm  
 15 acquainted with people in Hawaii. I haven't heard any  
 16 of this yet.  
 17 GERALD MOAN: No, no. Come on. I mean, you know --  
 18 BRIAN STRANSKY: I want a fair hearing out of these  
 19 people.  
 20 GERALD MOAN: Johnnie wants to continue. But,  
 21 please, in the sake of brevity --  
 22 JOHNNIE JACKSON: Okay. I will.  
 23 TIM MILLER: Just keep going, quick.  
 24 JOHNNIE JACKSON: Basically, it's this: Everyone --  
 25 Chad Love and his group was not interested enough in

1 DON SCHANZ: Mr. Chairman, I'm Dr. Don Schanz. I'm  
 2 state chair of Idaho. We have two of us here, myself  
 3 and Bill Call. We have another delegate that was  
 4 refused to be seated here earlier, standing in the hall,  
 5 that -- I'm sorry. Here she is. She is right here.  
 6 GERALD MOAN: Chairman Schanz?  
 7 UNIDENTIFIED SPEAKER: Schanz.  
 8 GERALD MOAN: Schanz?  
 9 DON SCHANZ: Yes.  
 10 GERALD MOAN: Are you submitting that this delegate  
 11 is the bona fide delegate from the State of Idaho?  
 12 DON SCHANZ: I am. The challenge essentially was  
 13 that we didn't submit the name in.  
 14 GERALD MOAN: I understand. In the baseline time?  
 15 DON SCHANZ: In the baseline time. We submitted it  
 16 on August 1st.  
 17 GERALD MOAN: So the state chair, in accordance with  
 18 the RPR State Constitution, is reported to go -- this  
 19 body that -- this is now the duly recognized delegate of  
 20 the National Committee from the State of Idaho. Do I  
 21 have a motion?  
 22 UNIDENTIFIED SPEAKER: So moved.  
 23 GERALD MOAN: Second on the question. All those in  
 24 favor say "Aye."  
 25 (Majority said "Aye.")

1 GERALD MOAN: Come on. Some of you getting lazy out  
2 there. All those opposed? That was merely a  
3 housekeeping thing. Thank you, Dr. and Mrs. and -- from  
4 Idaho.

5 DON SCHANZ: Thank you.

6 GERALD MOAN: Illinois, is there anybody in the room  
7 from Illinois?

8 BILL RAKES: Yes.

9 GERALD MOAN: Come to the mike, please.

10 BILL RAKES: Bill Rakes from Illinois. And my name  
11 is on the list on the web page. It was turned in to the  
12 secretary. We're uncontested within the State of  
13 Illinois. There should be absolutely no problem.

14 GERALD MOAN: Okay, Bill. Basically, what this is  
15 is one of those housekeeping challenges where Larry is  
16 sent the names incorrect, Bill.

17 UNIDENTIFIED SPEAKER: I believe he did -- he sent a  
18 copy of an e-mail to me, and it would certainly appear  
19 so.

20 GERALD MOAN: Basically, what this is is a  
21 housekeeping thing. We've established a baseline as  
22 being August 1st on the list.

23 UNIDENTIFIED SPEAKER: Yes.

24 GERALD MOAN: Larry sent the list in. Larry, the  
25 state chair of Illinois, said that Bill and -- Peter, is

1 GERALD MOAN: Yeah, basically. And what that reason  
2 is is because Mr. Redmond from -- the chairman from  
3 Illinois, after the 1st of August, sent in his list --  
4 or actually sent in a list prior to August 1st. Looks  
5 like we went backwards. But I believe Larry Redmond has  
6 sought them to be the recognized members. That's the  
7 last thing I've seen.

8 UNIDENTIFIED SPEAKER: Okay. Mr. Chairman, I  
9 withdraw and support these two members.

10 GERALD MOAN: Okay. All those in favor of seating  
11 the two gentlemen from Illinois? Let's have a little  
12 fervor.

13 (Majority said "Aye.")

14 BILL RAKES: Thank you very much, Mr. Chairman.

15 GERALD MOAN: Any opposed, be more silent. Any  
16 opposed, stand up, please. Any abstentions, stand up,  
17 please. It was unanimous. Boy, that's a first.

18 Indiana, is anybody here for Indiana?

19 UNIDENTIFIED SPEAKER: No contestation.

20 GERALD MOAN: Pro or con? Moving right along, lower  
21 challenges, pro or con?

22 UNIDENTIFIED SPEAKER: No challenges.

23 GERALD MOAN: Kansas, I don't think there was any  
24 challenges.

25 Kentucky, anybody from Kentucky?

1 it?

2 UNIDENTIFIED SPEAKER: Nyberg.

3 SPEAKER UNIDENTIFIED: Carl Nyberg.

4 GERALD MOAN: Carl Nyberg, okay, and Peter Zisk.

5 BOB BOWES: Peter Zisk, is that the third person?

6 PETER ZISK: The third person on the list -- the  
7 list that was submitted before is -- Larry Redmond is  
8 the third person. He is the written replacement of  
9 Lisa Thompson.

10 GERALD MOAN: Lisa Thompson, that's kind of --

11 UNIDENTIFIED SPEAKER: That letter isn't here.

12 We're just talking about Bill and I right now.

13 GERALD MOAN: So Bill and Carl are recognized to be  
14 seated. I'll entertain a motion to accept.

15 KELLY ABT: Point of order, Mr. Chair.

16 GERALD MOAN: Wait, wait, wait -- yeah, point of  
17 order.

18 UNIDENTIFIED SPEAKER: That vote has already been  
19 concluded, Mr. Chairman.

20 GERALD MOAN: No. We didn't vote.

21 UNIDENTIFIED SPEAKER: I just have a question.

22 GERALD MOAN: Okay.

23 UNIDENTIFIED SPEAKER: They are trying to, say, put  
24 two members -- replace two members currently on the 81  
25 list; is that correct?

1 UNIDENTIFIED SPEAKER: Yes. Put that down a lot  
2 lower. We're short in Kentucky.

3 GERALD MOAN: Could you identify yourself, please.

4 JEANETTE LENCZYK: Pardon. Oh, I'm Jeanette Lenczyk  
5 from -- on the committee from Kentucky. I was Reform  
6 Party, too, for a while -- chair for a while, a few  
7 years. Anyways, we had three members elected to the  
8 National Committee: John Longmeyer, myself, and Sam  
9 Cox. Sam is in the hospital. He'll be here as a  
10 delegate later in the week.

11 As a substitute which was voted on by the  
12 committee, we would like to have Jeff Hillbrandt be able  
13 to attend this meeting and Sam continue with his  
14 position after today. It was just a way of getting a  
15 representation. John Longmeyer has resigned from the  
16 chairmanship and felt that it was inappropriate for him  
17 to still be a member of the National Committee and  
18 requested that he be replaced by Jim Anthony, who is  
19 also on the Executive Committee. There was no hassle.  
20 This was all in nice agreement by everyone. It's just  
21 circumstances prevented those other two from coming  
22 today.

23 GERALD MOAN: And does your state chair support  
24 these --

25 JEANETTE LENCZYK: Yes, absolutely.

1 GERALD MOAN: And the changes are, again? Report  
2 them by name.  
3 JEANETTE LENCZYK: Jim Anthony to replace John  
4 Longmeyer.  
5 GERALD MOAN: Is this a list that Charlie sent?  
6 JEANETTE LENCZYK: Pardon?  
7 GERALD MOAN: Is this the list that Charlie sent?  
8 JEANETTE LENCZYK: Yes.  
9 GERALD MOAN: Okay.  
10 JEANETTE LENCZYK: Yeah. Charlie Arbigus is the new  
11 chairman.  
12 GERALD MOAN: Okay.  
13 JEANETTE LENCZYK: And as a temporary, just for  
14 today, Jeff Hillbrandt to sit in for Sam Cox, who, as  
15 said, is in the hospital.  
16 GERALD MOAN: Okay. And you have a copy of the  
17 letter?  
18 JEANETTE LENCZYK: Yes, I do.  
19 GERALD MOAN: Would you give a copy of that letter  
20 to Mr. Bowes?  
21 JEANETTE LENCZYK: Sure.  
22 GERALD MOAN: Hear a motion to entertain the --  
23 KELLY ABT: Point of order, Mr. Chair.  
24 GERALD MOAN: Does another person talk about  
25 Kentucky? Is there any opposition from anybody from

1 (None.)  
2 GERALD MOAN: Any abstentions?  
3 (None.)  
4 DON SCHANZ: Mr. Chairman, point of order.  
5 GERALD MOAN: Yes, sir. Please do me a favor. I've  
6 forgotten. I should have said this about five hours ago  
7 for transcript purposes. State your name and your state  
8 when you approach the mike.  
9 DON SCHANZ: Dr. Don Schanz, Idaho state chairman.  
10 Mr. Chairman has new delegates that are allowed in. I  
11 would propose that we allow them to have the little  
12 yellow sticky, as you called it, so they could be like  
13 the rest of us.  
14 GERALD MOAN: Once we establish the seating in the  
15 room, I will ask people, maybe collect donations, but  
16 pass out the voting cards.  
17 DON SCHANZ: Okay. Thank you, Mr. Chairman.  
18 GERALD MOAN: We have voting cards for the room once  
19 the room is established. What did we just -- which  
20 state did we cover, Kentucky?  
21 Any challenge to Louisiana in the room?  
22 UNIDENTIFIED SPEAKER: Kansas, where is Kansas?  
23 GERALD MOAN: Any challenge to Maine in the room?  
24 Any challenge to Maryland in the room, other  
25 than Bob?

1 Kentucky?  
2 Point of order?  
3 KELLY ABT: Point of inquiry. I'd just like to find  
4 out if there was an election held to elect the National  
5 Committee men for today.  
6 GERALD MOAN: Was there an election?  
7 KELLY ABT: Was there an election for the National  
8 Committee?  
9 UNIDENTIFIED SPEAKER: Yes.  
10 GERALD MOAN: Thank you.  
11 UNIDENTIFIED SPEAKER: Jeff is out in the hall.  
12 Should I bring him in?  
13 GERALD MOAN: Bring him in. He's been accepted for  
14 membership of the body.  
15 MR. COOTER: Not yet.  
16 GERALD MOAN: When we vote.  
17 UNIDENTIFIED SPEAKER: Let's vote.  
18 GERALD MOAN: Learning on my feet, you know. All  
19 those -- we've had a motion on the floor, and duly  
20 seconded, to recognize the members as amended by the  
21 State of Kentucky; and as chairman, Charlie Arbigus on  
22 the question. Move it? Yes, all those in favor?  
23 (Majority said "Aye.")  
24 GERALD MOAN: "Aye." All those opposed? Any  
25 opposition?

1 TIM MILLER: That's outside. Have we asked outside.  
2 GERALD MOAN: I've asked all challengers to come  
3 into the room. If they're not here by now --  
4 Massachusetts, any challenges in the room?  
5 Michigan?  
6 UNIDENTIFIED SPEAKER: Yes.  
7 UNIDENTIFIED SPEAKER: Right here.  
8 GERALD MOAN: Michigan. I'm going to beg  
9 everybody's indulgence. If I remember correctly, we  
10 validated that Mr. Scofield is a member of the National  
11 Executive Committee. In that capacity, I would ask him  
12 to come up here as a deputy chairman. It's my turn for  
13 biological reasons. So I would ask Mr. Scofield -- I  
14 will entertain a motion from the floor to recognize  
15 Mr. Scofield as temporary acting interim chairperson for  
16 this meeting only.  
17 KELLY ABT: Mr. Chairman, Kelly Abt from Texas. I  
18 move that Mr. Scofield be interim chairman as you take  
19 care of business.  
20 GERALD MOAN: We have a second?  
21 UNIDENTIFIED SPEAKER: Second.  
22 UNIDENTIFIED SPEAKER: Second.  
23 GERALD MOAN: I really want to hear "Aye." So all  
24 those -- now, now, now. You gotta stand up, too.  
25 "Aye." Any opposition other than Cedric?

1 CEDRIC SCOFIELD: Is there anyone here from  
2 Michigan?

3 MARK FORTON: Here.

4 (Geraid Moan left the proceedings.)

5 CEDRIC SCOFIELD: And you are?

6 MARK FORTON: My name is Mark Forton. I'm the U.S.  
7 senate candidate for the State of Michigan. I'm also  
8 the newly elected Michigan Chairman Reform Party.

9 CEDRIC SCOFIELD: Would you state your challenge.  
10 please?

11 MARK FORTON: Before I start, sir, I have two  
12 envelopes: One for Mr. Reed; one for Mr. Moan. Could  
13 you tell me who I should give those to? I'm sorry. I  
14 just said that before I started. I asked if I could  
15 give two envelopes that would get to Mr. Moan and  
16 Mr. Reed. Thank you. Should I start?

17 CEDRIC SCOFIELD: Please.

18 MARK FORTON: Okay. On June 17th, 2000, Michigan  
19 had a state convention. And ever since that time, it  
20 was a very good unified convention. 90-some percent of  
21 the delegates present voted to elect new delegates for  
22 this convention. And ever since that time, though,  
23 there's been very little contact with our state  
24 officers.

25 Also, the state officers have conspired to

1 reformers in Michigan, like Joyce Russell, don't  
2 remember ever electing National Committee people in  
3 Michigan. Now, Chairman McKelvie also participated in  
4 the illegal meeting in Dallas that declared Pat Buchanan  
5 as disqualified as a possible candidate.

6 And she participated in support of the results,  
7 the end of which was a press conference with Mr. Vernie  
8 and Mr. Hagelin that attempted to alter the ballot  
9 process, declaring that it was a done deal and that kind  
10 of a thing. And that just flooded our offices and our  
11 people with all kinds of questions and confusion. And  
12 it also even affected this convention here.

13 Now, as U.S. senate candidate for the State of  
14 Michigan, I called a meeting -- a statewide meeting last  
15 Saturday to try to iron out what, if anything, can be  
16 done. 12 district chairmen signed two petitions to  
17 remove four officers from the Reform Party in Michigan  
18 for gross neglect of their duties.

19 Now, Michigan bylaw says 112 district chairmen  
20 can present such a petition and demand a meeting. We  
21 conducted a meeting. We had 12 petitions -- 24,  
22 actually, for two different reasons: The officership  
23 and the National Committee positions.

24 CEDRIC SCOFIELD: We'd established a three-minute  
25 time limit, so please wrap up in a hurry.

1 either reverse or totally ignore the convention results.  
2 To this very day, they've never submitted to the  
3 secretary of state and the State of Michigan the list of  
4 lectors. As it stands right now, if the Reform Party  
5 were to win in Michigan, there would be no electoral  
6 votes.

7 And that violates the Reform Party bylaws in  
8 Michigan, Article 6, Section 3, and also violates  
9 Michigan state election law. Also, they failed to  
10 submit the list of delegates and alternates that were  
11 elected to this body, national organization. And as of  
12 August 4th, that was still not done, either. They've  
13 been very elusive, almost impossible to contact. Very  
14 few people have been able to contact them, and those  
15 that do get different stories about what list of  
16 delegates would be submitted and so on, so forth.

17 Still, to this day, we still don't know what  
18 list of delegates have been submitted to this  
19 organization. Perry Spencer, the state chairman,  
20 allegedly resigned sometime the week of July 24th. And  
21 Diane McKelvie took his place, Eleanor Renfro  
22 (inaudible) in the National Committee, a clear violation  
23 of the U.S. Constitution, Article 4, Section 9.

24 It plainly states you cannot appoint a person  
25 to National Committee to have been elected. Now old

1 MARK FORTON: We accepted that. We conducted a  
2 meeting. We had 93 people from all over the state that  
3 came to that meeting on short notice. Bylaws do not say  
4 anything about time frames to conduct a meeting at all,  
5 and we elected new people. First of all, we recalled  
6 Perry Spencer, chairman of the National Committee in  
7 Denver; Diane McKelvie, Eleanor Renfro, Hal Smith,  
8 (inaudible), and (inaudible), vice chair and National  
9 Committee member. That's four, but we didn't know who  
10 our chairman was. So, anyway, we did that, and then we  
11 elected new officers. That was done unanimously. By  
12 the way, there was a lot of old guard people to --

13 CEDRIC SCOFIELD: What's the bottom line on who got  
14 elected to the positions?

15 MARK FORTON: The people elected Mark Forton,  
16 National Committee chair, Ted Johnson, first vice chair,  
17 Joseph Landry, vice chair. Then we had an election  
18 which we believe was the very first in the Michigan --  
19 according to the National Committee, we elected Sandra  
20 Steiner and Joseph Landry to the National Committee. So  
21 I respectfully submit that.

22 CEDRIC SCOFIELD: Is there anyone here from Michigan  
23 to speak in opposition to this challenge? Is there  
24 anyone else with any questions or oppositions that  
25 they'd like to --

1 UNIDENTIFIED SPEAKER: I motion.  
 2 UNIDENTIFIED SPEAKER: I second the motion.  
 3 CEDRIC SCOFIELD: The motion has been made and --  
 4 made and seconded. Do I need the names?  
 5 BOB BOWES: Three names.  
 6 MARK FORTON: Mark Forton, Sandra Steiner, Joseph  
 7 Landry.  
 8 BOB BOWES: Thank you.  
 9 CEDRIC SCOFIELD: Mr. Secretary, do you need the  
 10 name of the person that made the motion to seat?  
 11 BOB BOWES: No.  
 12 CEDRIC SCOFIELD: Would all those in favor of  
 13 seating this Michigan group rise and say "Aye."  
 14 (Majority said "Aye.")  
 15 CEDRIC SCOFIELD: All opposed?  
 16 (None.)  
 17 CEDRIC SCOFIELD: Any abstentions?  
 18 (None.)  
 19 MARK FORTON: Thank you. Thank you very much.  
 20 CEDRIC SCOFIELD: In Mississippi, is there a  
 21 challenge in Mississippi?  
 22 TRAY GOLDMAN: Yes, sir.  
 23 CEDRIC SCOFIELD: Now, please state your challenge  
 24 within three minutes. We have to keep this moving  
 25 along.

1 member in the party for three months before you could  
 2 come to the convention and vote. They said you had to  
 3 be in the party for one year before you could run for  
 4 National Committee member.  
 5 Now, not only are these changes undemocratic,  
 6 they were not allowed by the bylaws the same folks  
 7 wrote. So we, the members of the party, called a  
 8 convention. We notified the chairman 30 days prior, as  
 9 his bylaws required. We ran an ad in the newspaper, as  
 10 his bylaws required. We held our convention, we were  
 11 elected, and we're here today.  
 12 CEDRIC SCOFIELD: Right under three minutes.  
 13 Is there anyone from Mississippi who would like  
 14 to contest this challenge?  
 15 UNIDENTIFIED SPEAKER: Mr. Chairman, if you'd  
 16 please, I'd like to introduce Ron Walters, a National  
 17 Committee member, and John Hey, National Committee  
 18 member.  
 19 UNIDENTIFIED SPEAKER: Thank you. You may be  
 20 seated.  
 21 UNIDENTIFIED SPEAKER: I elect --  
 22 KELLY ABT: Mr. Chairman, I move the delegation be  
 23 seated as requested.  
 24 CEDRIC SCOFIELD: The motion been made and seconded.  
 25 Do we seat the delegation? Would all those in favor,

1 TRAY GOLDMAN: Mr. Chairman, this is Tray Goldman  
 2 from Mississippi. I'm real happy to be here. I'm real  
 3 sorry to say that the Mississippi delegation was here.  
 4 They walked out, so they can't face accusations before  
 5 this body.  
 6 UNIDENTIFIED SPEAKER: They must have gone to  
 7 "Ole Miss."  
 8 TRAY GOLDMAN: You got it. Sir, our challenge is  
 9 very simple. The delegation, the National Committee  
 10 members that were here earlier, had never been elected  
 11 by a state convention of Mississippi, as required by our  
 12 bylaws. The Mississippi party was formed in 1993, at  
 13 which time they said officers pro tem to hold office  
 14 until a convention. Until June 17th, 2000, there has  
 15 never been a convention in the State of Mississippi.  
 16 On June 17th, 2000, the members of the Reform  
 17 Party of Mississippi called and held a convention and  
 18 elected officers for the first time and elected us as  
 19 National Committee members. Now, the old leadership, in  
 20 the Reform Party in Mississippi, who was never elected,  
 21 they conspired to keep their leadership to keep their  
 22 status. They never called conventions. They illegally  
 23 changed the Mississippi bylaws.  
 24 They instituted a \$25 membership fee, which is  
 25 nothing more than a poll tax. They said you had to be a

1 please rise and say "Aye."  
 2 (Majority said "Aye.")  
 3 CEDRIC SCOFIELD: Opposed?  
 4 (None.)  
 5 CEDRIC SCOFIELD: Could you repeat the names of the  
 6 people, please, for the secretary?  
 7 BOB BOWES: Third name. Tray Goldman, Ron Walters,  
 8 and?  
 9 UNIDENTIFIED SPEAKER: John Hey, H-e-y.  
 10 BOB BOWES: H-e-y. Thank you.  
 11 CEDRIC SCOFIELD: In Missouri, is there a challenge  
 12 from Missouri?  
 13 UNIDENTIFIED SPEAKER: I'm the only one here from  
 14 Missouri.  
 15 UNIDENTIFIED SPEAKER: Show me the challenge.  
 16 CEDRIC SCOFIELD: There was apparently no challenge  
 17 from Missouri. We'll move on to Montana.  
 18 Is there a challenge for Montana?  
 19 UNIDENTIFIED SPEAKER: I believe the Montana  
 20 challenge is frivolous.  
 21 UNIDENTIFIED SPEAKER: Whatever it was.  
 22 UNIDENTIFIED SPEAKER: Whatever.  
 23 CEDRIC SCOFIELD: Is there someone here from  
 24 Montana?  
 25 UNIDENTIFIED SPEAKER: I'm the chairman of Montana.

1 CEDRIC SCOFIELD: And you've heard there's a  
2 challenge? We don't have the challengers here.  
3 UNIDENTIFIED SPEAKER: Right.  
4 CEDRIC SCOFIELD: I motion we seat Montana.  
5 UNIDENTIFIED SPEAKER: I second.  
6 UNIDENTIFIED SPEAKER: Second.  
7 CEDRIC SCOFIELD: Motion has been made and seconded.  
8 Will all in favor rise and say "Aye."  
9 (Majority said "Aye.")  
10 CEDRIC SCOFIELD: Opposed?  
11 (None.)  
12 CEDRIC SCOFIELD: I think I got the easy part of the  
13 meeting here.  
14 In Nebraska, do we have a --  
15 BOB BOWES: I'd like to verify the names. Is it  
16 J.R. Myers, R.J. Brewer, and Cajun James?  
17 UNIDENTIFIED SPEAKER: Yeah.  
18 CEDRIC SCOFIELD: In Nebraska, do we have any  
19 challenges here for seating of the Nebraska members?  
20 UNIDENTIFIED SPEAKER: We were told that there was a  
21 challenge.  
22 CEDRIC SCOFIELD: Is there anyone here from  
23 Nebraska?  
24 UNIDENTIFIED SPEAKER: I'm the state chair, and my  
25 two committee members are here.

1 CEDRIC SCOFIELD: Have you heard of any challenges?  
2 UNIDENTIFIED SPEAKER: Yes.  
3 UNIDENTIFIED SPEAKER: Earlier in the meeting, but I  
4 don't hear anybody.  
5 UNIDENTIFIED SPEAKER: But I think they went with  
6 the other group.  
7 CEDRIC SCOFIELD: Well, there's no challenges  
8 stated. So --  
9 UNIDENTIFIED SPEAKER: Good. Thank you.  
10 UNIDENTIFIED SPEAKER: I motion to accept these  
11 delegates.  
12 UNIDENTIFIED SPEAKER: Second.  
13 UNIDENTIFIED SPEAKER: Second.  
14 CEDRIC SCOFIELD: I don't think we need that.  
15 There's been no challenge.  
16 UNIDENTIFIED SPEAKER: No challenges.  
17 CEDRIC SCOFIELD: Nevada, do we have a challenge to  
18 seat any of the members of Nevada?  
19 UNIDENTIFIED SPEAKER: Sir, we heard we didn't have  
20 a challenge until we came here today. But apparently  
21 there wasn't --  
22 CEDRIC SCOFIELD: You're from Nevada, and we don't  
23 hear any challenge. So --  
24 UNIDENTIFIED SPEAKER: I'm on the Executive  
25 Committee and the candidate for U.S. senate.

1 CEDRIC SCOFIELD: Thank you.  
2 BOB BOWES: You're on the 81 roster, anyway.  
3 CEDRIC SCOFIELD: New Hampshire, do we have a  
4 challenge for the members of New Hampshire?  
5 SHELLEY USCINSKI: Thank you, Mr. Chairman. Yes.  
6 We are from the great state of New Hampshire. I have  
7 with me (inzudible) Maravelias and Ted Maravelias. And  
8 my name is Shelley Uscinski. And we are here to  
9 challenge the New Hampshire delegation, which I believe  
10 has already left earlier. They have walked out.  
11 But let me just give you a little briefing as  
12 to why we believe we ought to be the official National  
13 Committee members for our state. Back in September,  
14 September 27th, there was a state convention which was  
15 scheduled by the chairman at the time, Darren Libby.  
16 Darren Libby apparently panicked when he saw that at a  
17 Buchanan booksigning, there was 200 people who came to  
18 the booksigning during a hurricane. So he got a little  
19 nervous and decided to cancel the convention, in which  
20 time, he did schedule another convention.  
21 But in between that time, he and his fellow  
22 Reform Party members, 14 of them, had decided to change  
23 the bylaws for the express purpose of preventing any new  
24 members from voting, which was against the process that  
25 they used to change the bylaws, was in violation of

1 their own bylaws. And, certainly, trying prevent us  
2 from participating was against the National  
3 Constitution.  
4 They did schedule another convention, which was  
5 held on October 30th. When we arrived, they called the  
6 police. They told us we couldn't participate. We  
7 couldn't vote. We decided that we would hold another  
8 convention. We set up another party. They came a  
9 little bit -- to their senses a little bit after that.  
10 We got together with them. We worked it out. They were  
11 going to allow us to participate.  
12 We had a meeting in January, where they made --  
13 where we made -- again, we made bylaws to the -- illegal  
14 bylaw changes that they had made. We were on schedule.  
15 Darren Libby and his other National Committee members  
16 attended the Nashville meeting. Darren Libby was very  
17 dispirited at the outcome. He decided to resign. They  
18 had what they call a Tuesday night massacre, where  
19 six -- or excuse me -- four members of the Executive  
20 Committee all resigned.  
21 CEDRIC SCOFIELD: You have about 30 seconds left.  
22 SHELLEY USCINSKI: All right. Well, needless to  
23 say, to wrap it up, they have completely violated the  
24 spirit of the party. They are currently operating  
25 without a quorum. They're operating in violation of

1 their own bylaws and the National Constitution, as well  
 2 as Robert's Rules of Order, which we operate under. And  
 3 now this body has the chance to do the right thing and  
 4 put in the legitimate National Committee members for  
 5 New Hampshire.

6 UNIDENTIFIED SPEAKER: I move we accept.  
 7 UNIDENTIFIED SPEAKER: I second it.  
 8 CEDRIC SCOFIELD: Is there anybody from  
 9 New Hampshire to address this challenge?  
 10 UNIDENTIFIED SPEAKER: Chairman, I move we seat  
 11 these people from New Hampshire.  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 UNIDENTIFIED SPEAKER: I second it.  
 14 CEDRIC SCOFIELD: It's been moved and seconded to  
 15 seat the challengers. All in favor, please rise and say  
 16 "Aye."  
 17 (Majority said "Aye.")  
 18 UNIDENTIFIED SPEAKER: Thank you.  
 19 UNIDENTIFIED SPEAKER: Names?  
 20 CEDRIC SCOFIELD: Are there any "Nays"? Any  
 21 abstentions?  
 22 (None.)  
 23 CEDRIC SCOFIELD: Do you have the names?  
 24 BOB BOWES: I've got them. Thank you.  
 25 CEDRIC SCOFIELD: New Jersey, are the challengers

1 All of us have recently joined the Independence Party,  
 2 which has not — not recently, but over the last year,  
 3 as the New York state affiliate. We did that because it  
 4 was our understanding that the Independence Party was  
 5 supporting Pat Buchanan.

6 You may be aware the New York state laws are  
 7 extremely difficult and convoluted. And back when they  
 8 were running delegates, we wanted to challenge to ensure  
 9 that Pat would have a line on the ballot. As you know,  
 10 the McCain and Bradleyites did, and the courts gave them  
 11 the opportunity. We did not file. Instead, we worked  
 12 with the Independence Party; Lenora Fulani, Frank McKay,  
 13 and Kathy Stewart, the three national delegates. And we  
 14 cooperated with them fully. They publicly stated over  
 15 and over again that they were supporting Buchanan. They  
 16 attended all of the functions for Buchanan in New York.  
 17 In fact, Lenora Fulani, as you know, is Pat's co-chair.  
 18 UNIDENTIFIED SPEAKER: Was.  
 19 ED HEELAN: Was, was, was. They evidenced their  
 20 commitment by taking on the Trump legal battle. And, in  
 21 fact, we now realize that was more to eliminate Jack  
 22 Essenberg than it was to act on behalf of Pat Buchanan.  
 23 I can tell you that I had meetings with Kathy Stewart,  
 24 and with Frank McKay, where we went through delegate by  
 25 delegate.

1 here for the State of New Jersey? Is there anyone here  
 2 from New Jersey?  
 3 JOE SANSONE: Yes, Mr. Chairman. My name is Joe  
 4 Sansone. I'm the state chairman of New Jersey. We have  
 5 Jim Logue, Beverly Kidder, and myself here. The nature  
 6 of the challenge of us is completely frivolous. And as  
 7 a matter of law, in fact, we are an affiliated  
 8 organization. And we're not going to take any of your  
 9 time.  
 10 CEDRIC SCOFIELD: Apparently, there's no one here to  
 11 make a challenge, so there is no challenge.  
 12 New Mexico? Is there a challenge in seating  
 13 the members of New Mexico? Is there anyone here from  
 14 New Mexico?  
 15 UNIDENTIFIED SPEAKER: Yes, Mr. Chairman. We're all  
 16 here, all three of us.  
 17 CEDRIC SCOFIELD: There is apparently no challenge.  
 18 New York? Is there a challenge to seat any  
 19 members of New York?  
 20 UNIDENTIFIED SPEAKER: Yes, sir.  
 21 CEDRIC SCOFIELD: We never expect a challenge in  
 22 New York.  
 23 ED HEELAN: Mr. Chairman, thank you for the  
 24 opportunity. My name is Ed Heelan. And I have with me  
 25 two gentlemen, Mr. Ira Pesserillo and Mr. John Gillen.

1 And of the 33 delegates, four from New York,  
 2 allegedly 29 were totally committed. And the other four  
 3 were maybes. So we felt very comfortable, and I  
 4 continued all of their functions throughout their state,  
 5 where we proudly introduced my affiliation with Pat  
 6 Buchanan.

7 Then suddenly a change happened. The change  
 8 occurred when Lenora Fulani requested of Pat Buchanan  
 9 that he endorse her and make her the national chairman  
 10 of the Reform Party. Pat refused to do that. A man  
 11 after my own heart. We don't respond well to extortion.  
 12 Suddenly, that weekend, everything changed.  
 13 All of a sudden, Buchanan was out; and all of the  
 14 commitments that were made were thrown out the window.  
 15 Mrs. Fulani assured me that was working. I'll be brief,  
 16 I promise. But New York is a big state, 33 delegates.  
 17 So give me that extra few seconds.  
 18 CEDRIC SCOFIELD: Only three at this meeting.  
 19 ED HEELAN: Okay. You're right. You're right. But  
 20 let's wait until tomorrow. My efforts to work out  
 21 compromise with Ms. Fulani was totally fruitless. It  
 22 was either she gets what she wants, or she was going to  
 23 work overtime to stop Buchanan. Frank McKay, the state  
 24 chairman, told me there was no way he was going to bug  
 25 her and Kathy Stewart. And they were not going to

1 support Buchanan, and that was the end of it.  
 2 I got a series more. I didn't realize it would  
 3 be a three-minute stop. The only thing I can say is  
 4 this: I can say that they have made a number of public  
 5 statements. And I'm looking at a newsprint here from  
 6 one of the major papers in New York that no matter what  
 7 happens, if Buchanan got elected, they would -- the  
 8 Independence Party would not support him. They  
 9 apparently are not interested in supporting and building  
 10 the Reform Party. They're interested in their own  
 11 agenda. What we want to build is a Reform Party.  
 12 CEDRIC SCOFIELD: You're about a minute over three  
 13 minutes.  
 14 ED HEELAN: Just one more point, and I'll stop right  
 15 now. We are in a process, because we were concerned  
 16 about having a place on the ballot for Pat Buchanan to  
 17 be voted for. And we started a petition drive about two  
 18 weeks ago. We've already got over 10,000 signatures  
 19 from the State of New York.  
 20 CEDRIC SCOFIELD: Are you specifically challenging  
 21 the members from New York?  
 22 ED HEELAN: Yes. We would like to challenge the  
 23 members from the State of New York. And I respectfully  
 24 request that we be seated in this delegation. Thank you  
 25 for your patience.

1 UNIDENTIFIED SPEAKER: What's your name?  
 2 CEDRIC SCOFIELD: Is there anyone from New York to  
 3 address these challenges? Tim?  
 4 TIM HALINAN: Tim Halinan from Wyoming. I'm not  
 5 from New York. But since there is no one here from  
 6 New York who challenges these gentlemen, I believe they  
 7 should be seated by default. Thank you.  
 8 UNIDENTIFIED SPEAKER: Is that a motion?  
 9 UNIDENTIFIED SPEAKER: I so move that we seat these  
 10 gentlemen from New York.  
 11 CEDRIC SCOFIELD: It's been moved and seconded. We  
 12 seat the people that issued the challenge. Would all in  
 13 favor please rise and say "Aye."  
 14 (Majority said "Aye.")  
 15 CEDRIC SCOFIELD: Opposed?  
 16 UNIDENTIFIED SPEAKER: Thank you.  
 17 CEDRIC SCOFIELD: Opposed?  
 18 (None.)  
 19 CEDRIC SCOFIELD: North Carolina, do we have a  
 20 challenge, the seated people of North Carolina?  
 21 IRA PESSERILLO: Ira Pesserillo.  
 22 JOHN GILLEN: John Gillen.  
 23 CEDRIC SCOFIELD: Do we have anyone here who opposes  
 24 seating the members of North Carolina? We had to have a  
 25 little discussion there on procedures. We need to move

1 forward fast, so if I could have your attention, please.  
 2 UNIDENTIFIED SPEAKER: Order, please. Order.  
 3 Order.  
 4 CEDRIC SCOFIELD: Could I have your attention,  
 5 please. We're going to proceed with the meeting. I  
 6 believe we were on North Carolina. Is there anyone here  
 7 to challenge the seating of North Carolina?  
 8 UNIDENTIFIED SPEAKER: No one.  
 9 CEDRIC SCOFIELD: There's no challenge.  
 10 North Dakota, is there anyone who challenges  
 11 North Dakota?  
 12 RALPH MICKEY: Mr. Chairman, my name is Ralph  
 13 Mickey. I'm with the real Reform Party of North Dakota.  
 14 The current Reform Party are -- I'm here in place of our  
 15 current president, Glen Baltrich, who was unable to be  
 16 here, yet he is still the president of the Reform Party  
 17 until the year 2003. Back in January, we held a meeting  
 18 in which Buchanan delegation, Buchanan supporters  
 19 attended.  
 20 Well, the very first thing they started to do  
 21 was trash our bylaws, bylaws particularly that specify  
 22 what the party stands for when it's supposed to  
 23 represent integrity of the party. And, also, we have a  
 24 membership form that has a small oath here. They said  
 25 that this was unacceptable. I don't know if you want me

1 to take the time to read it or not.  
 2 CEDRIC SCOFIELD: Is this a question of affiliation,  
 3 or are you a member of the -- are there two parties in  
 4 North Dakota?  
 5 RALPH MICKEY: Well, there is. But the other one is  
 6 a fraud.  
 7 CEDRIC SCOFIELD: Okay. You're about a minute and a  
 8 half into your challenge, so please proceed.  
 9 RALPH MICKEY: Okay. Anyway, we have this oath of  
 10 membership here that simply -- all this simply requires  
 11 is that anybody belongs to the Reform Party upholds the  
 12 principles of the Constitution. They said this is  
 13 unacceptable. They tore off the bottom half of this,  
 14 the part that has the oath of membership, filled out the  
 15 top part, then turned it in.  
 16 It is plain to see that they did not want to be  
 17 a member. They didn't want to belong to the real Reform  
 18 Party. But they were trying to create a party of their  
 19 own, the way it appears, whatever that may be. And so  
 20 what they went and did is they went and -- a week -- the  
 21 next week, they went and filed a set of their own bylaws  
 22 with the Secretary of State that contained illegal  
 23 election law -- illegal election law violations, saying  
 24 that these bylaws were adopted at a convention. It was  
 25 not a convention.

1 CEDRIC SCOFIELD: You've got a little less than 30  
 2 seconds, so please wrap it up.  
 3 RALPH MICKEY: Anyway, to make a long story short,  
 4 that we are still Reform Party. This other group sought  
 5 to -- is seeking to destroy the real Reform Party as it  
 6 is and to eliminate all of us that were in there. They  
 7 came there very, very well organized and had no  
 8 intentions of keeping us or keeping the Reform Party as  
 9 it is.  
 10 CEDRIC SCOFIELD: Is there somebody from North  
 11 Dakota to address the challenge?  
 12 TAWNY KEAVENY: Yes. Mr. Chair, this is Tawny  
 13 Keaveny from North Dakota. I'd like to comment on this.  
 14 First of all, the Reform Party of North Dakota was on  
 15 the ballot since 1996. And Mr. Baltrich was chairman in  
 16 the years from 1996 until beginning of this year. In  
 17 2000 there was nothing filed, no roster, no proof of any  
 18 kind of election process, meeting, convention, nothing.  
 19 There was only one piece of paper filed, which was  
 20 bylaws that were never signed by anybody.  
 21 By the time we had our first meeting, we were  
 22 deceived a couple of times before that there were  
 23 intended meetings which never took place. Finally,  
 24 there was a meeting. It was under the chairmanship of  
 25 Mr. Baltrich. Then he proclaimed to be the chair then,

1 Mr. Baltrich was not even a chair anymore.  
 2 However, after we had our first meeting, he  
 3 went to the Secretary of State and filed new bylaws,  
 4 rules and bylaws, that he said amended in 1998. Now  
 5 this is, now, in January or February 2000. And in this  
 6 particular bylaws, it was very clear it was pointed out  
 7 by the Secretary of State to us that the top page was  
 8 replaced and had a completely different setting.  
 9 CEDRIC SCOFIELD: You've got about 30 seconds.  
 10 TAWNY KEAVENY: At that point, he put himself in,  
 11 Mr. Baltrich, as the interim team who should be the  
 12 chairman until the first of January, 2005. So this  
 13 whole thing was -- we did everything in an orderly  
 14 fashion. The Secretary of State has already recognized  
 15 us as the official party who filed everything according  
 16 to the North Dakota state laws.  
 17 CEDRIC SCOFIELD: Thank you.  
 18 Is there a resolution regarding the challenge?  
 19 UNIDENTIFIED SPEAKER: Chairman, I move that the  
 20 challenge be denied.  
 21 UNIDENTIFIED SPEAKER: Second.  
 22 UNIDENTIFIED SPEAKER: I second that motion.  
 23 CEDRIC SCOFIELD: Motion's been made and seconded.  
 24 Challenge be denied. All in favor of denying the  
 25 motion, please rise and say "Aye."

1 except for, according to the bylaws, he had filed in  
 2 1996.  
 3 His chairmanship only lasted until the first of  
 4 January, 1999. So it was a deception. When he had this  
 5 meeting, he chaired the meeting. He said there was a  
 6 quorum. There was no one else there except for  
 7 Mr. Mickey at this meeting from his old party and their  
 8 first meeting. And then the convention proceeded  
 9 orderly. We voted in all the officers, filed everything  
 10 with the Secretary of State.  
 11 And we tried to work with Mr. Baltrich and keep  
 12 him in as a chair, because there was no one else there  
 13 from a quorum or National Committee people. No one  
 14 existed. There was no list of any membership or  
 15 anything. In fact, nothing had been done in that state,  
 16 and it was almost four years. And we have been accepted  
 17 by the Secretary of State of North Dakota that  
 18 everything had been done and filed in an orderly  
 19 fashion, according to the North Dakota election laws.  
 20 So after Mr. Baltrich didn't even appear at the  
 21 convention, he could have been up for election or  
 22 nominated if he liked to. He preferred not to appear  
 23 there. So everything was done in orderly fashion.  
 24 Everybody was elected by majority. No activity had been  
 25 taking place. As a matter of fact, by all means,

1 (Majority said "Aye.")  
 2 CEDRIC SCOFIELD: All opposed? Any abstentions?  
 3 (None.)  
 4 TAWNY KEAVENY: Thank you very much. And here are  
 5 the names (indicating).  
 6 CEDRIC SCOFIELD: We have the names. You need to  
 7 verify the names. Loretta Stewart, Margaret Sitte, and  
 8 Tawny --  
 9 TAWNY KEAVENY: Keaveny.  
 10 CEDRIC SCOFIELD: Keaveny.  
 11 BOB BOWES: Read them again, sir.  
 12 CEDRIC SCOFIELD: Loretta Stewart.  
 13 LOLITA STEWART: No. Lita.  
 14 CEDRIC SCOFIELD: Margaret Sitte.  
 15 MARGARET SITTE: Sitte.  
 16 CEDRIC SCOFIELD: Sitte.  
 17 Tawny Keaveny.  
 18 TAWNY KEAVENY: Keaveny.  
 19 CEDRIC SCOFIELD: I believe they're on the list that  
 20 you have there and here (indicating).  
 21 Ohio, is there a challenge in the State of  
 22 Ohio? There appears to be no challenge.  
 23 Oklahoma, is there a challenge in seating the  
 24 members from Oklahoma? Oregon -- excuse me. There  
 25 appears to be a challenge in Oklahoma.

1 UNIDENTIFIED SPEAKER: This is not a challenge.  
 2 This is just to clarify. Michael Charba was elected in  
 3 May as one of our committee men, and he was not able to  
 4 attend. The state held another meeting on July 7th, and  
 5 Bruce Charles was selected to be in his place.  
 6 CEDRIC SCOFIELD: This is a housekeeping change.  
 7 then?  
 8 UNIDENTIFIED SPEAKER: Yes.  
 9 CEDRIC SCOFIELD: Okay. Does the secretary have  
 10 that?  
 11 BOB BOWES: Bruce Charles --  
 12 UNIDENTIFIED SPEAKER: Bruce Charles in place of  
 13 Michael Charba.  
 14 BOB BOWES: Thank you.  
 15 TIM MILLER: Mr. Chairman, I recommend we seat that  
 16 National --  
 17 CEDRIC SCOFIELD: Pardon me?  
 18 UNIDENTIFIED SPEAKER: I move that we accept that  
 19 National Committee man.  
 20 CEDRIC SCOFIELD: Motion has been made that we  
 21 accept that housekeeping change. Is there a second?  
 22 UNIDENTIFIED SPEAKER: Second.  
 23 CEDRIC SCOFIELD: All in favor, "Aye"?  
 24 (Majority said "Aye.")  
 25 CEDRIC SCOFIELD: Opposed? Abstentions?

1 (Majority said "Aye.")  
 2 GERALD MOAN: All those opposed? Any opposed?  
 3 (None.)  
 4 GERALD MOAN: Any abstentions?  
 5 (None.)  
 6 GERALD MOAN: South Carolina? South Dakota?  
 7 Housekeeping, South Dakota?  
 8 UNIDENTIFIED SPEAKER: Yeah, I think it's  
 9 housekeeping. We have the list of our three delegates,  
 10 our committee members here, signed by our state chair.  
 11 GERALD MOAN: State chair has a recognized name?  
 12 UNIDENTIFIED SPEAKER: Butch Thompson, Lisa  
 13 Thompson.  
 14 GERALD MOAN: Okay. He's replacing him and Lisa  
 15 Thompson?  
 16 UNIDENTIFIED SPEAKER: Well, not really. But that's  
 17 the gist of it. Judy Nelson, Trevor McDonald, and  
 18 Arlan Tekrony. We were elected as a state convention  
 19 July 1st. We had to change one of the delegates at a  
 20 teleconference July 22nd. And this is signed by our  
 21 state chair.  
 22 GERALD MOAN: It's a housekeeping change. Give me  
 23 those names again.  
 24 UNIDENTIFIED SPEAKER: I could give them to the  
 25 secretary.

1 (None.)  
 2 (Gerald Moan returned to the proceedings.)  
 3 GERALD MOAN: Any challenges to Oregon?  
 4 UNIDENTIFIED SPEAKER: No challenges.  
 5 GERALD MOAN: Any challenges to Pennsylvania?  
 6 UNIDENTIFIED SPEAKER: No.  
 7 GERALD MOAN: Any challenges to Rhode Island? I get  
 8 the easy part, Cedric.  
 9 Any challenges to South -- oops; sorry --  
 10 Rhode Island?  
 11 GEORGE BEDFORD: I'm George Bedford from the great  
 12 little ocean state of Rhode Island. I got a letter from  
 13 our state chairman. I'll read it. It's very short.  
 14 "Rhode Island Reform Party Executive Committee met  
 15 August 7th, 2000, via telephone conference to approve  
 16 George Bedford as an alternate National Committee member  
 17 to replace William Greenwood, who could not attend the  
 18 National Committee meeting on August 8th." That's it.  
 19 GERALD MOAN: Housekeeping change. All those in  
 20 favor, I'd like to make a motion.  
 21 UNIDENTIFIED SPEAKER: I motion to accept.  
 22 GERALD MOAN: Second.  
 23 UNIDENTIFIED SPEAKER: Second.  
 24 GERALD MOAN: All those in favor, vigorously -- no,  
 25 no, no, no, no. Do that again. All those in favor?

1 GERALD MOAN: Okay.  
 2 BOB BOWES: Yes, thank you.  
 3 GERALD MOAN: Move that we accept the housekeeping  
 4 change.  
 5 UNIDENTIFIED SPEAKER: I second.  
 6 GERALD MOAN: Second.  
 7 UNIDENTIFIED SPEAKER: Second.  
 8 GERALD MOAN: Seconded, vigorously stand up and say  
 9 "Aye."  
 10 (Majority said "Aye.")  
 11 GERALD MOAN: All those opposed, meekly say "No."  
 12 (None.)  
 13 GERALD MOAN: Any abstentions? Silence.  
 14 UNIDENTIFIED SPEAKER: Mr. Chairman, I'd like to  
 15 thank the body for that hard vote.  
 16 GERALD MOAN: Moving on, I'm sorry. Tennessee, is  
 17 there anybody here for the purposes of challenge,  
 18 Tennessee? I'll recognize the state chair of Tennessee,  
 19 John Fey.  
 20 JOHN FEY: Thank you, Mr. Chairman. I am the state  
 21 chair of the Tennessee Reform Party-committee. There's  
 22 no dispute about that. We had a National Committee  
 23 member that resigned in July -- on July 10th. And I  
 24 sent an e-mail to the secretary, Jim Mangio, and copied  
 25 you and copied (inaudible). And he would not change

1 that on the web site. We had a state caucus --  
2 GERALD MOAN: Ladies and gentlemen, I'd like to have  
3 quiet in the room so John can state the facts of the  
4 case.

5 JOHN FEY: We held a state caucus July 22nd. We did  
6 it by the textbooks. We sent out notice 30 days in  
7 advance. We sent out three pages exactly, what we were  
8 going to do. We held our state caucus. The membership  
9 voted for new National Committee members: John Fey,  
10 James T. Jones behind me, and Sherrie Kuykendall Fey.  
11 You know, I have the pictures and so forth of the  
12 blackboard. But, gosh, we've got tapes. We've got all  
13 kinds of documentation. But, nevertheless, for some  
14 reason --

15 GERALD MOAN: Are you, as a state, John, saying that  
16 these are your National Committee members in the State  
17 of Tennessee?

18 JOHN FEY: Yes, sir.

19 GERALD MOAN: For purposes of moving right along,  
20 I'd entertain a motion to accept.

21 UNIDENTIFIED SPEAKER: I move to accept it.

22 GERALD MOAN: Second over here.

23 UNIDENTIFIED SPEAKER: Second.

24 GERALD MOAN: Badge man, all those in favor.  
25 (Majority said "Aye.")

1 BOB BOWES: David Smith replacing who?

2 UNIDENTIFIED SPEAKER: Jeff Larson.

3 BOB BOWES: Smith for Larson.

4 UNIDENTIFIED SPEAKER: Thank you very much,  
5 Mr. Chairman.

6 GERALD MOAN: Moving forward, Vermont? Vermont?  
7 Who is speaking?

8 PAULINE ROCCO: Pauline Rocco. My name is Pauline  
9 Rocco. We would like to be recognized as the official  
10 delegation from Vermont. Someone by the name of Russ  
11 Capron was supposedly the representative of the Reform  
12 Party, but he never was active. He let the party  
13 dissolve. He didn't reregister in Vermont. He never  
14 returned calls, didn't register any new members.

15 So we then called a formation meeting to become  
16 active. We registered with the Secretary of State of  
17 Vermont as the Vermont Reform Political Action  
18 Committee. We have our number with the IRS. We had  
19 held a meeting. We voted to adopt the National Reform -  
20 Party Constitution, and we elected a slate of delegates  
21 and officers. And we signed up several new members at  
22 our first meeting. And we would like to be recognized,  
23 as they said, as the official delegation from Vermont.

24 FRANK REED: Are you a member of that affiliated  
25 Reform Party state party organization?

1 GERALD MOAN: Opposed?

2 (None.)

3 GERALD MOAN: John, why don't you go up and give him  
4 the names -- any in opposition? Any abstentions?

5 (None.)

6 GERALD MOAN: Okay. Texas, is there -- are there  
7 any challenges to the State of Texas being Jennie  
8 Doogs, Kelly Abt, Klimer Wright? See no challenges.

9 Utah? Utah, any challenges? Mary Ellen?

10 MARY ELLEN MOORE: Yes. Mary Ellen Moore from Utah.  
11 This is just a housekeeping issue. We had one of our  
12 National Committee members, Jeff Larson, take very ill  
13 and had to have an emergency surgery. And we withdrew a  
14 National Committee member. On August 5th, our Executive  
15 Committee in Utah held an election and nominated and  
16 elected David Smith, who is waiting outside. And I  
17 would ask the body to please seat him as a third  
18 National Committee member.

19 GERALD MOAN: I make a motion. Second in the room?

20 UNIDENTIFIED SPEAKER: Motion to seat.

21 GERALD MOAN: Motion to seat. Everybody is  
22 motioning. All those in favor?

23 (Majority said "Aye.")

24 GERALD MOAN: Opposed?

25 UNIDENTIFIED SPEAKER: His name is David Smith.

1 PAULINE ROCCO: We formed the new one because that  
2 one had dissolved. It's called Vermont Reform Political  
3 Action Committee, and we are members.

4 FRANK REED: There's a problem here in the sense  
5 that we have on the books affiliated --

6 UNIDENTIFIED SPEAKER: Microphone.

7 UNIDENTIFIED SPEAKER: Microphone.

8 FRANK REED: As we have on the books an affiliated  
9 state party organization -- I'm Frank Reed. I'm the  
10 credentials chair, rules chair, and do a few other  
11 things. And that affiliated state party organization is  
12 on the books. Now, the question -- I don't think we can  
13 even address a question of provisional affiliation for  
14 you. You would have to bring your case to the National  
15 Convention that that other party has disappeared.

16 And there needs to be a new party. They could  
17 then vote to disaffiliate that party and affiliate you  
18 at that point, because we cannot do provisional  
19 recognition of a party where one is already on the  
20 books. And that's just for this meeting. Thursday,  
21 bring it up. That would be the place on it.

22 UNIDENTIFIED SPEAKER: It's not on the books.

23 FRANK REED: Well, it's on the record of a state  
24 party organization there. And the convention does not  
25 address that issue of this affiliation.

1 UNIDENTIFIED SPEAKER: Excuse me. I've got a point  
 2 of order, sir.  
 3 FRANK REED: Go ahead.  
 4 JERRY HEINEMAN: In Vermont -- this is Jerry  
 5 Heineman from West Virginia. Under Vermont law,  
 6 technically, they cannot form a (inaudible) party during  
 7 election year. They have to do it on the odd year. So  
 8 you have to have ten people from ten (inaudible) across  
 9 the state.  
 10 So the only option they had -- since the 1996  
 11 party dissolved itself in 1998, the only option they had  
 12 under Vermont law was to form the political committee --  
 13 the Vermont Political Committee of the Reform Party USA  
 14 in compliance with the 1998 FEC advisory opinion that  
 15 was given to Russ Vernie of this party.  
 16 FRANK REED: Gerry, I understand what you're saying  
 17 and the legal case. And I do not dispute what you're  
 18 saying. I'm saying the job of affiliation is for the  
 19 National Convention, not for this committee.  
 20 JERRY HEINEMAN: But --  
 21 FRANK REED: No. But as --  
 22 JERRY HEINEMAN: If original status, provisional  
 23 status, can be given this time --  
 24 GERALD MOAN: Can he --  
 25 FRANK REED: Can he -- can he (inaudible) a

1 GERALD MOAN: Correct.  
 2 The next state is Virginia. Virginia? Is  
 3 Virginia -- anybody challenging Virginia other than a  
 4 drove of people? Okay. Makes sense. Mr. Abt has made  
 5 a motion. It's been seconded that we move on to the  
 6 next order of business and leave the matter of the State  
 7 of Vermont to the Credential Committee of the National  
 8 Convention. All those in favor?  
 9 (Majority said "Aye.")  
 10 GERALD MOAN: Opposed?  
 11 (None.)  
 12 GERALD MOAN: So moved. Any abstentions?  
 13 (None.)  
 14 GERALD MOAN: Is there anybody to challenge the  
 15 State of Virginia?  
 16 UNIDENTIFIED SPEAKER: Point of information,  
 17 Mr. Chairman. There is no challenge to Virginia. There  
 18 is no state party recognized in Virginia, so we are  
 19 going to present our case before this body.  
 20 FRANK REED: Gerry, Let me address that. Again,  
 21 this question came up in Nashville. In my opinion, it  
 22 was handled badly. It's come up on the Executive  
 23 Committee. The Executive Committee has voted. It was  
 24 the Reform Party from Virginia that's on the books as an  
 25 affiliated state party organization that's headed by Sus

1 provisional organization where one is on the books? The  
 2 National Convention is the only one that can address  
 3 that question of taking something off the books.  
 4 UNIDENTIFIED SPEAKER: Point of order question.  
 5 GERALD MOAN: Sure. Go ahead.  
 6 UNIDENTIFIED SPEAKER: Are these members of the  
 7 Reform Party?  
 8 GERALD MOAN: They -- that's a situation described  
 9 in the Constitution, that where there is -- where they  
 10 have said that they're not a member of the state party  
 11 organization, that obviously is -- let's say that's  
 12 disappeared. Now, there can be Reform Party members.  
 13 But those members have to be a member of an affiliated  
 14 state party organization, of which it's gone. Okay?  
 15 But it's not gone, as far as the National  
 16 Convention is concerned. You have to address that with  
 17 that group. Let's not make a big deal of this and move  
 18 on, have a meeting, and bring this up tomorrow at the  
 19 correct body, and then we can get it taken care of.  
 20 UNIDENTIFIED SPEAKER: We'll be here tomorrow.  
 21 Don't worry about it.  
 22 KELLY ABT: Mr. Chairman, I'd like to make a motion  
 23 that we continue on with the next state and that this  
 24 issue be decided tomorrow.  
 25 UNIDENTIFIED SPEAKER: So moved.

1 Harris Debauche, and this group does not have the power  
 2 to disaffiliate that party and recognize another group.  
 3 Again, the venue for bringing this issue -- I'm  
 4 not saying you don't have good reasons for bringing it  
 5 up, but I'm not going to make a statement on that. But  
 6 I would respectfully suggest that you delay this  
 7 particular issue until the National Convention, where it  
 8 can be legitimately and legally addressed.  
 9 UNIDENTIFIED SPEAKER: I understand your point, sir.  
 10 Let me make one point. We have the official transcript  
 11 from the National Committee meeting that occurred on  
 12 November 12th -- I'm sorry -- February 12, 2000, with  
 13 this body by an 82-to-21 vote, voted to not recognize  
 14 any party in the State of Virginia. We have that  
 15 information. We'd like to pass it to you now, if you  
 16 care to read it. So, therefore, there is no state  
 17 affiliate party in the State of Virginia, but the  
 18 two-thirds majority vote of this body that is seated  
 19 right here.  
 20 GERALD MOAN: I recall that that group -- other  
 21 group was seated at that National Committee meeting.  
 22 UNIDENTIFIED SPEAKER: No, they were not, sir. We  
 23 have the official transcript, if you'd care to read it.  
 24 GERALD MOAN: I've been asked --  
 25 UNIDENTIFIED SPEAKER: Excuse me. May I make a

1 point, Mr. Chairman? If you'll read the last five pages  
2 starting with Page 15, it's very clear.

3 GERALD MOAN: We have multiple copies of the  
4 transcript of the trial. We have the attorney that  
5 represented the Reform Party in that trial. I will  
6 entertain a motion from the floor that we table this  
7 until the National Convention Credentials Committee  
8 tomorrow.

9 UNIDENTIFIED SPEAKER: So moved.

10 UNIDENTIFIED SPEAKER: So moved.

11 GERALD MOAN: We have a first and a second. Tim, is  
12 that you back there? We have a second.

13 UNIDENTIFIED SPEAKER: Second.

14 GERALD MOAN: On the question, I need you to rise.

15 KELLY ABT: Point of order, Mr. Chairman.

16 GERALD MOAN: Sir?

17 KELLY ABT: It's not clear, I don't believe, to this  
18 body the gentleman's talking about this particular  
19 situation. We know not who the members are that he  
20 states should be recognized as National Committee  
21 members, and so I'd like to hear -- just get a little  
22 more of the substance of the case out there for the  
23 bodies to rule.

24 GERALD MOAN: Kelly, it's really an interpretation  
25 of the affiliation agreement. The reason -- I mean,

1 until the National Convention Credential Committee rise.

2 (Majority said "Aye.")

3 GERALD MOAN: Nays? Two nays.

4 UNIDENTIFIED SPEAKER: West Virginia.

5 GERALD MOAN: It appears that the ayes have it.  
6 Make sure you have all your documentation done and  
7 everybody else for Tom's convention.

8 UNIDENTIFIED SPEAKER: We do, sir. Thank you for  
9 your time, and thank you for your attention.

10 GERALD MOAN: Believe me, if there's anybody who  
11 wants to resolve Virginia, it's me.

12 State of Washington, do we have any challenges  
13 in the State of Washington? Yes, sir. State your name  
14 for the purpose of the record.

15 MICHAEL FLYNN: My name is Michael Flynn. And  
16 ladies and gentlemen, we are here really about truth and  
17 adherence to the law. That's paramount to each of us,  
18 to the Reform Party in our country. We followed the  
19 law. Our opponents did not. This here is the law of  
20 the State of Washington. Section 292420 stipulates that  
21 the Nomination Convention must be held between the last  
22 Saturday of June and the first Saturday of July.

23 We upheld that. Our opponents did not. We  
24 recognized our opponents had no intention to uphold the  
25 state law nor hold a Nomination Convention within the

1 Nashville said they will not -- did not take away  
2 affiliation of the Virginia Debauche group. What it  
3 said was that they will recognize no one. Subsequently,  
4 in a court of law, it said it was -- I don't know what  
5 it said.

6 But, basically, what it said was that we  
7 attempted to do an affiliation, withdrawal of an  
8 affiliation. It wasn't recognized. We attempted to,  
9 you know, ascertain: Were they dissolved? Did they  
10 dissolve? Okay. We couldn't really put our fingers on  
11 it. Did they dissolve? So, therefore, that was a  
12 question of affiliation to be handled in the next  
13 National Convention.

14 So, therefore, I'm still entertaining a motion  
15 that's been seconded, to table this discussion on  
16 Virginia to be handled by the National Convention  
17 Credentials Committee.

18 UNIDENTIFIED SPEAKER: Can I sneak a real quick one  
19 in here? If the Virginia delegation is not here, aren't  
20 they forfeiting their right to --

21 GERALD MOAN: No. All the rest of the members that  
22 have not been challenged --

23 UNIDENTIFIED SPEAKER: Call the question.

24 GERALD MOAN: Call the question. All those in favor  
25 of ruling of siding with the chair that we table this

1 parameters of the law; therefore, we had the obligation  
2 to get the Reform Party on our state ballot. We  
3 properly publicized our convention and honored -- and  
4 were honored to have Pat Buchanan present at our  
5 convention, lecturers, National Committee members, and  
6 delegates.

7 Our convention right here was publicized the  
8 day after it was held, and the parameter -- within the  
9 parameters of the law, we nominated Pat Buchanan as our  
10 candidate for the Reform Party ballot in the State of  
11 Washington. Had we not thus acted, then the Reform  
12 Party would not have a candidate on the ballot in  
13 November in the State of Washington.

14 Our opponents also had a meeting two weeks  
15 after, outside of the law, which they held; and they  
16 held such a secret meeting with the intention to  
17 undermine and rig undermining of our legally held  
18 convention. So my question to the body here is: We ask  
19 you to recognize our National Committee members as the  
20 honorable and only legally binding Reform Party  
21 representation. Thank you.

22 GERALD MOAN: Are you folks a member of the existing  
23 organization?

24 MICHAEL FLYNN: Yes, we are.

25 UNIDENTIFIED SPEAKER: Sir?

1 GERALD MOAN: Yes, sir. I'm sorry. Speaking  
2 against the challenge?  
3 CONNOR COUGHLIN: Yes, sir.  
4 GERALD MOAN: Okay.  
5 CONNOR COUGHLIN: My name is Connor Coughlin. I am  
6 a National Committee member elected at July 15th at a  
7 very well publicized convention. You, the Reform Party,  
8 made every effort to get the Buchanan folks there who  
9 were in attendance in large numbers. This was posted on  
10 the Internet. It was sent out in the mail. We followed  
11 all the requirements of the law. We are long-term  
12 members of the Reform Party. We founded the party. We  
13 built the party.  
14 And I can tell you, quite honestly, that I have  
15 been standing here supporting, keeping this process open  
16 to all, including the Buchanans. I've called the  
17 Buchanan campaign constantly, kept him up to date. This  
18 was a Freedom Party nomination. None of these people  
19 came together as Reform Party members. They came as the  
20 Freedom Party. I don't know these folks from Adam.  
21 They have never appeared at one Reform Party meeting,  
22 that I'm aware of, and I've been at most of them. Thank  
23 you.  
24 UNIDENTIFIED SPEAKER: Thank you. We have had  
25 representation. And the stipulation there is they held

1 KELLY ABT: I second.  
2 GERALD MOAN: It's an affiliation question that  
3 should be handled by the National Convention Credentials  
4 Committee.  
5 Any opposition other than the three folks here?  
6 Yes, sir?  
7 UNIDENTIFIED SPEAKER: I'd like to vote on it today.  
8 GERALD MOAN: Well, we're voting on tabling it for  
9 Tom's Convention Credentials Committee, correct?  
10 UNIDENTIFIED SPEAKER: Correct.  
11 GERALD MOAN: All those in favor?  
12 (Majority said "Aye.")  
13 GERALD MOAN: Move it.  
14 UNIDENTIFIED SPEAKER: Thank you.  
15 GERALD MOAN: Any opposed?  
16 UNIDENTIFIED SPEAKER: One.  
17 GERALD MOAN: Any abstention?  
18 UNIDENTIFIED SPEAKER: Just a point of  
19 clarification.  
20 GERALD MOAN: Yes, sir.  
21 UNIDENTIFIED SPEAKER: We're not tabling anything  
22 for this body. We're simply --  
23 GERALD MOAN: Referring --  
24 UNIDENTIFIED SPEAKER: -- trying not to consider it  
25 at this time. Move to object to the consideration. I

1 their meeting, a secretively held meeting --  
2 GERALD MOAN: Time out. Answer me one question.  
3 UNIDENTIFIED SPEAKER: Yes?  
4 GERALD MOAN: How do we -- what is the name of the  
5 organization?  
6 UNIDENTIFIED SPEAKER: The organization for?  
7 GERALD MOAN: Your organization.  
8 UNIDENTIFIED SPEAKER: In answer to your question,  
9 since the Reform Party did not hold their meeting within  
10 the parameters of the law, we were forced to hold our  
11 meeting within the parameters of the law to get the  
12 Reform Party on the ballot in November. That didn't  
13 occur. It was outside the law.  
14 GERALD MOAN: I asked a question.  
15 UNIDENTIFIED SPEAKER: Freedom Party.  
16 GERALD MOAN: Okay. That's an affiliation question,  
17 I believe, between two competing state organizations.  
18 UNIDENTIFIED SPEAKER: At the moment the Reform  
19 Party has zero person on ballot in the State of  
20 Washington, because they acted outside the parameters of  
21 of the law.  
22 GERALD MOAN: I understand that that's an  
23 affiliation question. I mean, I recommend the same  
24 motion. Anybody -- Tim is making the motion. Kelly,  
25 you seconding the motion?

1 call the question to object to the consideration.  
2 GERALD MOAN: Okay.  
3 UNIDENTIFIED SPEAKER: Mr. Chairman, for the  
4 purposes of consistency, I want to ask: There was a --  
5 there was some folks that came up before the body  
6 earlier regarding Colorado. Was that -- as I recall, it  
7 seemed like that was a group that had identified  
8 themselves as the Freedom Party. They had members  
9 stating that they were members of the Reform Party. But  
10 for the purpose of consistency, should they be  
11 recognized? Because we are refusing to address issues  
12 very similar to that.  
13 GERALD MOAN: It's a --  
14 UNIDENTIFIED SPEAKER: I mean, if you're going to be  
15 consistent --  
16 GERALD MOAN: It's a valid point. I think they  
17 should also present their credentials in the Credentials  
18 Committee. The body is allowed to make an error.  
19 UNIDENTIFIED SPEAKER: Should we correct that error  
20 right now, Tim?  
21 GERALD MOAN: Tim?  
22 TIM MILLER: Just because of clarification, the  
23 chair ruled because we began that motion before that  
24 point of order. We let Colorado go. But, certainly,  
25 Colorado will be dealt with tomorrow. For consistency

1 of what we have done earlier in this meeting, which is  
2 set aside any issues with bifurcation or intraparty  
3 disputes for body (inaudible), so Colorado was an  
4 exception to the body, a noted error made. And we'll  
5 deal with that tomorrow. Can you validate that,  
6 chairman?

7 GERALD MOAN: Okay. What I would like to do is to  
8 clear up and remain consistent. So call for a motion to  
9 reconsider the vote on Colorado.

10 UNIDENTIFIED SPEAKER: I motion to re-call to vote  
11 on Colorado.

12 UNIDENTIFIED SPEAKER: I move re-reconsider the  
13 motion to vote on Colorado.

14 UNIDENTIFIED SPEAKER: I second it.

15 GERALD MOAN: Tim, say that again.

16 TIM MILLER: I move that we reconsider the previous  
17 motion that was passed to seat the National Committee  
18 men from Colorado.

19 GERALD MOAN: We need a second.

20 UNIDENTIFIED SPEAKER: Second.

21 UNIDENTIFIED SPEAKER: Come on. What's the matter  
22 with you guys?

23 TIM MILLER: I'm voting in favor of the motion now.

24 GERALD MOAN: Tim, in order to reconsider, you must  
25 have voted in the affirmative.

1 forward. We've got a lot of important business to take  
2 care of here today. Okay? Let's move forward, take  
3 care of this business, get out of here, and go do some  
4 celebration tonight, 'cause we've earned it. Okay?  
5 Let's go.

6 GERALD MOAN: On the motion to reconsider, a vote in  
7 the affirmative would be a vote to relook at Colorado.

8 All those voting in favor of voting to reconsider  
9 Colorado, signify by standing up and saying "Aye."  
10 Opposed? Democracy in action.

11 (Majority said "Nay.")

12 GERALD MOAN: Wisconsin -- excuse me.  
13 West Virginia, anybody in opposition? I'd like to  
14 state, for the record, it was clear by the standing of  
15 the voters in the "Nay" variety, they clearly won, not  
16 only in the opinion of the chair, but in the opinion of  
17 the body.

18 Any opposition to West Virginia? Jerry, don't  
19 look around so hard.

20 Wisconsin? Wisconsin? Anybody rise to  
21 challenge Wisconsin?

22 Thank God, we're now going to talk about  
23 Wyoming. Tim, did we save the best for last time?

24 UNIDENTIFIED SPEAKER: Somebody has to be last.

25 GERALD MOAN: Somebody has to be last.

1 UNIDENTIFIED SPEAKER: Vote in the affirmative?

2 GERALD MOAN: On the question of to reconsider. All  
3 those in -- do we have a second? So in order to  
4 reconsider, what we're doing is vacating our vote on  
5 Colorado.

6 KELLY ABT: Mr. Chairman, point of order.

7 GERALD MOAN: Kelly, go ahead.

8 KELLY ABT: Yes. I'd like to go ahead and speak in  
9 favor of --

10 GERALD MOAN: The motion.

11 KELLY ABT: -- of the motion -- of the previous  
12 motion. So in other words, I'd like to speak against  
13 reconsidering the matter at this time. And it certainly  
14 would be having an opportunity to be handled tomorrow in  
15 the credentials meeting. And so I move that we go ahead  
16 and vote on the previous motion.

17 KLIMER WRIGHT: Mr. Chairman, Mr. Chairman, Klimer  
18 Wright, Texas. I move to speak against my good friend  
19 Tim's motion. We have already handled this Colorado  
20 situation. In order to be fair to them and to us, we'd  
21 have to go back and get both sides of the presentation  
22 again. They had some very good points that they made in  
23 their presentation, and this body has accepted it.

24 If we don't need to go back and reconsider all  
25 these delegations that we've already decided, let's move

1 TIM MILLER: It was duly elected on August 1st, and  
2 these items were submitted to the web site and all  
3 appropriate agencies.

4 GERALD MOAN: Tim, is this a housekeeping change?

5 TIM MILLER: Yes. I believe there also was a  
6 challenge, but I don't think that person is here. The  
7 people that were selected are Bill Strickland and Frank  
8 Miller. And they are here in the back of the room, and  
9 they would like to take their seats.

10 GERALD MOAN: And, Tim, are you -- you're the state  
11 chair?

12 TIM MILLER: I am the state chair, and I have also  
13 submitted my resignation as the National Committee man.  
14 And we have here Karen Scrones to take my place. She  
15 was duly selected by the state Executive Committee to  
16 fill my position. So with your approval or the approval  
17 of this body, they can take their seat. Thank you.

18 GERALD MOAN: Okay. All those -- I'll entertain a  
19 motion to accept members as state chair for --

20 UNIDENTIFIED SPEAKER: Second.

21 GERALD MOAN: Seconded. All those in favor, stand  
22 up. All those in favor, stand up and say "Yes."

23 (Majority said "Yes.")

24 BOB BOWES: I need the names.

25 GERALD MOAN: Tim, if you can come forward and give

1 him the names.  
 2 All those opposed? There appears to be no  
 3 opposition. All those -- abstention? Anybody  
 4 abstaining?  
 5 (None.)  
 6 DAVE GOLDMAN: Mr. Chairman?  
 7 GERALD MOAN: Yes, Mr. Goldman. Can we have order  
 8 in the room.  
 9 DAVE GOLDMAN: I'm alphabetically challenged. I  
 10 brought Wyoming in before Wisconsin.  
 11 GERALD MOAN: Excuse me?  
 12 DAVE GOLDMAN: I'm alphabetically challenged. I  
 13 brought Wyoming in before Wisconsin. But we have  
 14 Wisconsin outside, and we have one person from  
 15 Connecticut who is with her badge. She's here because  
 16 her flight was delayed.  
 17 GERALD MOAN: Wisconsin, is this an affiliation  
 18 question?  
 19 DAVE GOLDMAN: I don't know if Wisconsin is, but I  
 20 know Connecticut is.  
 21 GERALD MOAN: Now, who do we have here from  
 22 Wisconsin?  
 23 DAVE GOLDMAN: Wisconsin folks.  
 24 GERALD MOAN: Is it a matter of affiliation?  
 25 UNIDENTIFIED SPEAKER: We're challenging the Reform

1 Grebansin. I'm chairman of the Freedom Party of  
 2 Connecticut.  
 3 GERALD MOAN: Thank you very much. This is an  
 4 affiliation question. I will make a motion we table  
 5 this to tomorrow's convention committee.  
 6 UNIDENTIFIED SPEAKER: So moved.  
 7 GERALD MOAN: All those in favor, stand up and say  
 8 "Aye."  
 9 (Majority said "Aye.")  
 10 GERALD MOAN: Opposed? About two. The ayes have  
 11 it.  
 12 Are there any other challenges to come before  
 13 the body? That being recognized, the court reporter,  
 14 who is diligently over there pounding away on that  
 15 little machine, she needs a break. We need a break.  
 16 But I would caution you, I want to get going in five  
 17 minutes. Do not stray, because I understand that  
 18 there's some other folks that want to come back to a  
 19 meeting. By the way, I need a couple of deputies to  
 20 hand out the voting cards so we can let the people in  
 21 that have been standing out outside all day.  
 22 (Recess taken.)  
 23 GERALD MOAN: The chairman is calling the meeting  
 24 back to order. Please take your seats. We need to make  
 25 a very concerted effort to make sure we move forward.

1 Party and affiliations.  
 2 GERALD MOAN: Just come to the front of the room or  
 3 to the microphone and state that it's an affiliation  
 4 question. Separate organization, correct? Let you guys  
 5 sit down.  
 6 UNIDENTIFIED SPEAKER: Right here.  
 7 GERALD MOAN: Is this an affiliation question?  
 8 There are two separate groups from Wisconsin?  
 9 UNIDENTIFIED SPEAKER: There are two separate groups  
 10 in Wisconsin.  
 11 GERALD MOAN: I will entertain a motion to table  
 12 this or to move this to the Credential Committee  
 13 tomorrow.  
 14 UNIDENTIFIED SPEAKER: Second.  
 15 GERALD MOAN: All those in favor, stand up and say  
 16 "Aye."  
 17 (Majority said "Aye.")  
 18 GERALD MOAN: You're not getting lazy on me. All  
 19 those opposed? There's no -- in the back, three.  
 20 GERALD MOAN: Any abstentions?  
 21 (None.)  
 22 GERALD MOAN: Okay. David, thank you. Any other --  
 23 DAVE GOLDMAN: Last one. Lady just flew in from  
 24 Connecticut. And, boy, are her arms tired.  
 25 SHERILYN GREBANSIN: Thank you. I'm Sherilyn

1 Anybody that has been seated as a bona fide National  
 2 Committee member come up and get your voting credentials  
 3 from Bob Bowes.  
 4 Russ, Russ Whittenberg, Russ, have you got a  
 5 voting card?  
 6 RUSS WHITTENBERG: (Indicating.)  
 7 GERALD MOAN: Could you start rounding people up,  
 8 please? Have the people come back in. The National  
 9 Committee members that have voting credential cards,  
 10 please sit up front. I would like some seating from the  
 11 people that have been waiting around here for 12 hours  
 12 and whatever it's been. Is Kelly Abt in the room? Is  
 13 Kelly Abt in the room? Is Tim Miller in the room?  
 14 Please, let's move into the room, please. Gang, if we  
 15 get our business conducted, then we can go kibbitz other  
 16 places. I will be surfing at 5:00 o'clock, and I'm  
 17 going to raise money for the Reform Party because I'm  
 18 going to do it with a thong on.  
 19 UNIDENTIFIED SPEAKER: I'll pay you \$100 if you  
 20 don't.  
 21 GERALD MOAN: Okay. We have a bid, \$100 if I don't.  
 22 UNIDENTIFIED SPEAKER: I'll move we pay you not to  
 23 put on a thong.  
 24 GERALD MOAN: We're bidding on that. Now we're  
 25 bidding. Okay. Here, \$100 over here not to have me put

1 on a thong. Do we hear 200? We could do matching funds  
2 all day here.

3 Can we have order in the room? Can we have  
4 people sitting down? Can we have people not milling in  
5 the back? Those of you that are milling, mill other  
6 places. Voting members, please sit forward. Move  
7 forward. Voting members, move forward, please. Is  
8 Kelly Abt in the room? Is Kelly Abt in the hall? Is  
9 Kelly Abt in Long Beach?

10 Hey, Tim. anybody that is a sitting National  
11 Committee member, call the meeting to order. Let's have  
12 quiet in the room. Campaigning is for outside here.  
13 Anybody that does not have one of these (indicating),  
14 please come forward very, very quickly. Go to see Bob  
15 Bowes. Okay. Can we have order in the room? Tim, roll  
16 call for -- first, Mr. Goldman --

17 DAVE GOLDMAN: Yes, sir.

18 GERALD MOAN: -- would you and the other members of  
19 the National Committee come forward and take a seat?

20 DAVE GOLDMAN: Sir, I'm no longer a National  
21 Committee --

22 GERALD MOAN: You're no longer a member of the  
23 National Committee? Would you stand in the back with  
24 the visitors?

25 DAVE GOLDMAN: Yes, sir.

1 once --

2 UNIDENTIFIED SPEAKER: No.

3 UNIDENTIFIED SPEAKER: No. We're still missing  
4 members.

5 GERALD MOAN: Come forward. Come on, Dottie. You  
6 want to see that -- quickly. Quickly. Anybody? Any  
7 voting delegate not have a voting card? That being  
8 established, for the purposes of establishing --  
9 reestablishing quorum, we will have a roll call vote by  
10 name of the delegates in the room in three minutes.

11 Anybody have interesting stories? Anything up  
12 there in the campaign trial, the petition trial, that  
13 you want -- I just want to make sure Mr. Bowes is ready  
14 with the list. When he says, "Go," we will go forward  
15 with fervor. We're going to have a roll call vote.  
16 Okay? Everybody have a voting card? I would ask of the  
17 visitors not to come up into the voting section until  
18 all business is covered, just so we can maintain some  
19 sense of order.

20 UNIDENTIFIED SPEAKER: Is there a printed agenda?

21 GERALD MOAN: Is there a printed agenda? It went  
22 out with the call to the meeting. And that was for the  
23 preparation -- overseeing the preparations of the  
24 convention. Is everybody ready? Hopefully, when we  
25 leave here, go back to your states, what we'll do is

1 GERALD MOAN: Tim, are you a National Committee  
2 member? Don't worry. You will be soon.

3 Does everybody have a voting card? Come up and  
4 get --

5 UNIDENTIFIED SPEAKER: I have a question.

6 GERALD MOAN: The visitors are allowed in. That's  
7 why we want everybody to have a voting card. The  
8 voters -- it's open to the public. Stand in the back of  
9 the room.

10 UNIDENTIFIED SPEAKER: There's chairs.

11 GERALD MOAN: Yes, sir.

12 UNIDENTIFIED SPEAKER: There's chairs next door.

13 GERALD MOAN: There's chairs next door. Fire at  
14 will.

15 UNIDENTIFIED SPEAKER: We're still missing one  
16 delegate or one member of the committee.

17 GERALD MOAN: Where are they?

18 UNIDENTIFIED SPEAKER: Ladies' room. I don't know.

19 UNIDENTIFIED SPEAKER: Indisposed.

20 GERALD MOAN: Kelly Abt in the room? You're always  
21 last. I figured everybody else is here.

22 Kelly, do you have a voting card?

23 KELLY ABT: I do.

24 GERALD MOAN: Okay. Does every registered member of  
25 the National Committee have a voting card? Going

1 reinforce our principles and our platform. We'll go  
2 back and grow the party, continue the forward progress  
3 that we've exhibited here today. We will not take the  
4 word "no" for an answer.

5 You will be inclusionary, united, not divided.  
6 You will build and not tear down. Bob, this is that  
7 stretch thing I'll tell you -- but, no. Seriously, we  
8 have to grow the party. We have to find for those state  
9 chairs that are out there and members of state  
10 organizations, find candidates. The best advertisement  
11 is in the ballot box, the Reform Party. Find good  
12 quality candidates. Help them to fund raise tomorrow  
13 and the next day.

14 Over at the business office, I prepared my  
15 campaign mandate. It ain't slick. It ain't got those  
16 pretty binders and all that other nonsense. But it's  
17 for uninitiated into the roles of running for office.  
18 Mr. Kerkman will not get me to run for office. He is  
19 busy writing his bylaws over or something. Three more  
20 states. That means nine people.

21 But, listen, when you go out there and people  
22 from the press ask you what happened today, it's -- we  
23 are in the transition of building a party. We are  
24 building a party. We are building the party. We're  
25 building the party. We are not exclusionary, we are not

1 divisive, and we do not seek to destroy something we  
2 cannot control.

3 For many years, I've heard the word "democracy"  
4 brought up by different factions of the party. I found  
5 out today that those words were in name only. So,  
6 therefore, when we preach about democracy, this is now a  
7 political party. It is not a think tank or a thought  
8 group. It is something where votes count, members'  
9 votes count.

10 And you know what? We better get smart and  
11 count votes, because the thing is, is that's the only  
12 way you win in the game. You have a candidate. It  
13 doesn't say he ran a good fight. It says at the end  
14 whether he got elected or not. And that's by counting  
15 votes. Democracy is not a buzz word. It is something  
16 practiced by the Reform Party. Tell me what it states,  
17 Bob. All right?

18 **TIM MILLER:** Tim Miller from Arkansas.  
19 Mr. Chairman, I respectfully request we have a roll call  
20 vote and each person signify by name.

21 **UNIDENTIFIED SPEAKER:** Vote on what?

22 **TIM MILLER:** That they are here.

23 **GERALD MOAN:** Okay. Bob, why don't you call the  
24 roll call.

25 **BOB BOWES:** All right. The roll is -- I'll read it

1 **BOB BOWES:** Madori?  
2 **SUSAN MADORI:** Here.

3 **BOB BOWES:** Charles -- hold on a second. Yeah, Dan  
4 Charles, Colorado?

5 **DAN CHARLES:** Here.

6 **BOB BOWES:** Patrick Dolan?

7 **PATRICK DOLAN:** Here.

8 **BOB BOWES:** Lorentz?

9 **JERRY LORENTZ:** Here.

10 **BOB BOWES:** Hemingway?

11 **JOHN HEMINGWAY:** Here.

12 **BOB BOWES:** Alexander?

13 **PHIL ALEXANDER:** Here.

14 **BOB BOWES:** Parker?

15 **ANDREW PARKER:** Here.

16 **BOB BOWES:** Shields?

17 **WILLIAM SHIELDS:** Here.

18 **BOB BOWES:** Hrzic?

19 **STEVEN HRZIC:** Here.

20 **BOB BOWES:** Kendall?

21 **DOROTHY KENDALL:** Here.

22 **BOB BOWES:** James?

23 **ELAINE JAMES:** Here.

24 **BOB BOWES:** This is Florida.

25 **UNIDENTIFIED SPEAKER:** "Jane"?

1 by alphabetical state. I'll just need to read the last  
2 name, and please signify. Just say "Here."

3 **Belcher?**

4 **BOB BELCHER:** Here.

5 **BOB BOWES:** Morrow?

6 **MILTON MORROW:** Here.

7 **BOB BOWES:** Van Sandt?

8 **JOHN VAN SANDT:** Here.

9 **BOB BOWES:** Wassell?

10 **ED WASSELL:** Here.

11 **BOB BOWES:** Lynn?

12 **BOB LYNN:** Here.

13 **BOB BOWES:** Bird?

14 **ROBERT BIRD:** Here.

15 **BOB BOWES:** Kerkman?

16 **GENE KERKMAN:** Here.

17 **BOB BOWES:** Whittenberg?

18 **RUSS WHITTENBERG:** Here.

19 **BOB BOWES:** Other Whittenberg?

20 **MARGO WHITTENBERG:** Here.

21 **BOB BOWES:** Mills?

22 **UNIDENTIFIED SPEAKER:** Mills, California.

23 **RAY MILLS:** Here.

24 **BOB BOWES:** Stransky?

25 **BRIAN STRANSKY:** Here.

1 **BOB BOWES:** McConnell?  
2 **JIM McCONNELL:** Here.

3 **BOB BOWES:** Susko?

4 **BARBARA SUSKO:** Here.

5 **BOB BOWES:** Georgia, David Denny? Charles Collins?  
6 Hargrave?

7 **Hawaii, Hopkins?**

8 **KRISTEN HOPKINS:** Here.

9 **BOB BOWES:** Terry?

10 **MARK TERRY:** Here.

11 **BOB BOWES:** Jackson?

12 **JOHNNIE JACKSON:** Here.

13 **BOB BOWES:** Don Schanz?

14 **DON SCHANZ:** Here.

15 **BOB BOWES:** Bill Call?

16 **BILL CALL:** Here.

17 **BOB BOWES:** Sonia Chance?

18 **SONIA CHANCE:** Here.

19 **BOB BOWES:** Nyberg? Illinois, Nyberg? Rakes? Lisa  
20 Thompson, Illinois?

21 **Indiana, Burns?**

22 **MARGARET BURNS:** Here.

23 **BOB BOWES:** Conley?

24 **BOB CONLEY:** Here.

25 **BOB BOWES:** Peszel?

1 PAUL RESZEL: Here.  
 2 BOB BOWES: Iowa, Miller?  
 3 BUZZ MILLER: Here.  
 4 BOB BOWES: Stanley? Stanley?  
 5 Ivers?  
 6 DREW IVERS: Here.  
 7 BOB BOWES: Kansas, Wilson?  
 8 Paulson?  
 9 JACK PAULSON: Here.  
 10 BOB BOWES: Charlotte Paulson?  
 11 Kentucky, Anthony?  
 12 Hillbrandt?  
 13 JEFF HILLBRANDT: Here.  
 14 BOB BOWES: Lenczyk? Lenczyk?  
 15 Kentucky, Jeanette?  
 16 Louisiana, Mule?  
 17 DIDI MULE: Here.  
 18 BOB BOWES: Monk?  
 19 B.J. MONK: Here.  
 20 BOB BOWES: Watson?  
 21 DOTTIE WATSON: Here.  
 22 BOB BOWES: Maine, Kenny?  
 23 WENDELL KENNY: Here.  
 24 BOB BOWES: Kenny.  
 25 Andrews?

1 BOB BOWES: Hey?  
 2 JOHN HEY: Here.  
 3 BOB BOWES: Missouri, Terry?  
 4 LARRY TERRY: Here.  
 5 BOB BOWES: Overholtzer? Tolbert?  
 6 Montana, Myers?  
 7 J.R. MYERS: Here.  
 8 BOB BOWES: Brewer?  
 9 R.J. BREWER: Here.  
 10 BOB BOWES: James?  
 11 CAJUN JAMES: Here.  
 12 BOB BOWES: Nebraska, Damasauskas?  
 13 TERESA DAMASAUSKAS: Here.  
 14 BOB BOWES: Weston?  
 15 LORETTA WESTON: Here.  
 16 BOB BOWES: Skinner?  
 17 JANELL SKINNER: Here.  
 18 BOB BOWES: Nevada, Steele?  
 19 TIMOTHY STEELE: Here.  
 20 BOB BOWES: Bill Grutzmacher?  
 21 BILL GRUTZMACHER: He's here.  
 22 BOB BOWES: Agnes?  
 23 AGNES GRUTZMACHER: Here.  
 24 BOB BOWES: Grutzmacher.  
 25 New Hampshire, Maravelias? Ted Maravelias, New

1 Gardiner?  
 2 LARRY GARDINER: Here.  
 3 BOB BOWES: Maryland, Casagranda?  
 4 WILLIAM CASAGRANDA: Here.  
 5 BOB BOWES: Anderson?  
 6 Massachusetts, Lizotte? Dougherty?  
 7 Higgins?  
 8 BILL HIGGINS: Yeah.  
 9 BOB BOWES: Michigan, Forton?  
 10 MARK FORTON: Here.  
 11 BOB BOWES: Steiner?  
 12 SANDRA STEINER: Here.  
 13 BOB BOWES: Landry?  
 14 JOSEPH LANDRY: Here.  
 15 BOB BOWES: Minnesota, Laguban?  
 16 "LAGUBAN": Laguban.  
 17 BOB BOWES: Laguban.  
 18 Bongaards?  
 19 "BONGAARDS": Here.  
 20 BOB BOWES: Maxim?  
 21 "MAXIM": Here.  
 22 BOB BOWES: Mississippi, Goldman?  
 23 "GOLDMAN": Here.  
 24 BOB BOWES: Walters?  
 25 RON WALTERS: Here.

1 Hampshire?  
 2 UNIDENTIFIED SPEAKER: He's in the men's room.  
 3 BOB BOWES: Winters?  
 4 "WINTERS": Here.  
 5 BOB BOWES: Uscinski?  
 6 SHELLEY USCINSKI: Here.  
 7 BOB BOWES: New Jersey, Sansone?  
 8 JOE SANSONE: Here.  
 9 BOB BOWES: Kidder?  
 10 JOE SANSONE: Mr. Secretary, she just ran to get  
 11 something to eat. I'll notify you when she comes back.  
 12 BOB BOWES: Logue?  
 13 JIM LOGUE: Here.  
 14 BOB BOWES: New Mexico, Baltz?  
 15 DAVID BALTZ: Here.  
 16 BOB BOWES: Poisson?  
 17 LAUREN POISSON: Yes.  
 18 BOB BOWES: Ottmer?  
 19 BRIAN OTTMER: Here.  
 20 BOB BOWES: New York, Heelan?  
 21 ED HEELAN: Here.  
 22 BOB BOWES: Gillen?  
 23 JOHN GILLEN: Here.  
 24 BOB BOWES: Pesserillo?  
 25 IRA PESSERILLO: Here.

1 BOB BOWES: North Carolina, Bar Sadeh? Dot Drew?  
 2 Herb Drew?  
 3 North Dakota. Stewart?  
 4 LITA STEWART: Here.  
 5 BOB BOWES: Sitte?  
 6 MARGARET SITTE: Here.  
 7 BOB BOWES: Keaveny?  
 8 TAWNY KEAVENY: Here.  
 9 BOB BOWES: Ohio, Reed?  
 10 FRANK REED: Here.  
 11 BOB BOWES: Mitchell?  
 12 JOHN MITCHELL: Here.  
 13 BOB BOWES: Clapsaddle?  
 14 Oklahoma, Charies?  
 15 BRUCE CHARLES: Here.  
 16 BOB BOWES: Lyman?  
 17 Bell?  
 18 ROBERT BELL: Here.  
 19 BOB BOWES: Oregon, Heil?  
 20 CLAIRE HEIL: Here.  
 21 BOB BOWES: Summerhayes? Schussel?  
 22 Pennsylvania, Russell?  
 23 JAY RUSSELL: Here.  
 24 BOB BOWES: Lewis?  
 25 MARIA LEWIS: Here.

1 KELLY ABT: Here.  
 2 BOB BOWES: Wright?  
 3 KLIMER WRIGHT: Present.  
 4 BOB BOWES: Doogs?  
 5 JEANNIE DOOGS: Here, by God.  
 6 BOB BOWES: Utah, Smith?  
 7 DAVID SMITH: Here.  
 8 BOB BOWES: Moore?  
 9 MARY ELLEN MOORE: Here.  
 10 BOB BOWES: Whitely?  
 11 BARBARA WHITELEY: Here.  
 12 BOB BOWES: Vermont, Capron? Anderson?  
 13 St. Lawrence? Virginia, Debauche? Huff? Young?  
 14 Washington, Larson? Coughlin?  
 15 CONNOR COUGHLIN: Here.  
 16 BOB BOWES: Ennis? West Virginia, Stern?  
 17 DANIEL STERN: Here.  
 18 BOB BOWES: Heineman?  
 19 JERRY HEINEMAN: Here.  
 20 BOB BOWES: Zatezalo?  
 21 MARTHA ZATEZALO: Here.  
 22 BOB BOWES: Wisconsin, Mueller, Muller? Hansen?  
 23 Dial?  
 24 MARY DIAL: Here.  
 25 BOB BOWES: Wyoming, Strickland?

1 BOB BOWES: Ravotti?  
 2 BILL RAVOTTI: Here.  
 3 BOB BOWES: Rhode Island, Richardson?  
 4 DAVE RICHARDSON: Here.  
 5 BOB BOWES: Miller?  
 6 UNIDENTIFIED SPEAKER: What state?  
 7 BOB BOWES: Rhode Island, Miller. Rhode Island,  
 8 Bedford, you took Miller's place. Is the other - you  
 9 took Greenwood's place. So Miller is absent, right?  
 10 Bedford is here.  
 11 South Carolina, Armstrong? Batchelder?  
 12 Batchelder? Steagal?  
 13 South Dakota, Nelson?  
 14 JUDY NELSON: Here.  
 15 BOB BOWES: McDonald?  
 16 TREVOR McDONALD: Here.  
 17 BOB BOWES: Tekrony?  
 18 ARLAN TEKRONY: Here.  
 19 BOB BOWES: Tennessee, Bill Fey?  
 20 BILL FEY: Here.  
 21 BOB BOWES: Fey, Kuykendall Fey?  
 22 SHERRIE KUYKENDALL FEY: Here.  
 23 BOB BOWES: Jones?  
 24 JAMES T. JONES: Here.  
 25 BOB BOWES: Texas, Abt?

1 BILL STRICKLAND: Here.  
 2 BOB BOWES: Miller?  
 3 FRANK MILLER: Here.  
 4 BOB BOWES: That's a here?  
 5 FRANK MILLER: Here.  
 6 BOB BOWES: And Jones?  
 7 "JONES": Here.  
 8 BOB BOWES: Any states not read?  
 9 UNIDENTIFIED SPEAKER: Arkansas.  
 10 BOB BOWES: Weeks, yeah. Hang on. Weeks?  
 11 JEFF WEEKS: Here.  
 12 BOB BOWES: Matea?  
 13 STEVE MATEA: Here.  
 14 BOB BOWES: Miller?  
 15 "MILLER": Here.  
 16 BOB BOWES: Any other states not read?  
 17 BEVERLY KIDDER: New Jersey, Beverly Kidder. I'm  
 18 here.  
 19 BOB BOWES: Bev is here. Thank you.  
 20 BEVERLY KIDDER: I need a voting card, whoever's got  
 21 one.  
 22 BOB BOWES: Come up, Bev. Did you get a card?  
 23 BEVERLY KIDDER: No.  
 24 UNIDENTIFIED SPEAKER: Excuse me, Mr. Chairman.  
 25 GERALD MOAN: Yes, sir.

1 CHRISTOPHER BOLIN: My name is Christopher Bolin.  
 2 I'm a delegate from Illinois from the 8th District. We  
 3 have a problem with Illinois delegation. They are not  
 4 here, and they only have two people, and they're not  
 5 attending. And we've had problems with the Illinois  
 6 Reform Party before, and I'm afraid that they're pulling  
 7 a fast one. So is there any chance -- I am a Reform  
 8 Party member and delegate from the 8th District. Is  
 9 there any chance I can vote in their absence? They're  
 10 not here.  
 11 GERALD MOAN: No. That credentialing process will  
 12 happen tomorrow.  
 13 CHRISTOPHER BOLIN: Can I challenge tomorrow?  
 14 Because we have a problem with Illinois. They're not  
 15 attending.  
 16 GERALD MOAN: You can challenge. Go see Frank Reed,  
 17 the credentials chairman.  
 18 CHRISTOPHER BOLIN: Frank Reed?  
 19 GERALD MOAN: Yes.  
 20 Any other states that haven't been heard?  
 21 UNIDENTIFIED SPEAKER: Mr. Bowes, you had my name  
 22 wrong. It's John Fey from Tennessee. You said Bill  
 23 Fey. It's John Fey.  
 24 BOB BOWES: Thank you very much.  
 25 GERALD MOAN: I'll call a roll of the Executive

1 resolution, if I could, after the count.  
 2 GERALD MOAN: Let's see what the tally is first.  
 3 Kelly.  
 4 KELLY ABT: Sure.  
 5 GERALD MOAN: And I said we'd be out by noon.  
 6 UNIDENTIFIED SPEAKER: Which day?  
 7 GERALD MOAN: Never said a day. Bill, you got an  
 8 extra tank down there? Okay. By the way, any of the  
 9 state chairs or any candidates that are in the room that  
 10 you know of, make sure that they go out and register  
 11 with the office over at the Convention Center that  
 12 you're here, present, unlike some of our conventions in  
 13 the past, where we've had dead air.  
 14 We will not have dead air. So we will try to  
 15 make sure that, you know, candidates get an opportunity  
 16 to speak, even though they might not be in the original  
 17 program. So any candidates here running for any office  
 18 in the country, what I expect you to do is to register  
 19 in an office across the street. And we'll get you in as  
 20 things develop, because we may have a lot of dead air  
 21 over there.  
 22 The numbers are: Present, 115; not present,  
 23 44, out of 163 total members of the -- possible members  
 24 of the National Committee.  
 25 TED MARAVELIAS: I'd just like to be recognized for

1 Committee. Jerry is here. National secretary, Jim  
 2 Mangio?  
 3 UNIDENTIFIED SPEAKER: He resigned.  
 4 GERALD MOAN: Party treasurer, Tom McLaughlin? New  
 5 England rep June Spink? Northeast rep, Sue Harris  
 6 Debauche? Oh, Bob, we called her in the state, correct?  
 7 BOB BOWES: We did.  
 8 GERALD MOAN: Okay. She's not here twice.  
 9 BOB BOWES: Right.  
 10 GERALD MOAN: Southeast region, Ann Merkl?  
 11 Midwest region, Cedric Scofield?  
 12 CEDRIC SCOFIELD: Here.  
 13 GERALD MOAN: Pacific region, Mickey Summerhayes?  
 14 And we called her in the state, too, as well?  
 15 BOB BOWES: That's correct.  
 16 GERALD MOAN: In the southwest region, is Paul  
 17 Truachs here?  
 18 Is Kelly Abt here?  
 19 KELLY ABT: Here.  
 20 GERALD MOAN: The northwest region, is Luanne Jones  
 21 here?  
 22 Tim Halinan here?  
 23 TIM HALINAN: Here.  
 24 GERALD MOAN: Bob is counting the votes.  
 25 KELLY ABT: Mr. Chairman, I stand to move the

1 purposes of roll call.  
 2 UNIDENTIFIED SPEAKER: We can't hear you.  
 3 TED MARAVELIAS: I'd like to be recognized for  
 4 purposes of the roll call. My name is Ted Maravelias  
 5 from the State of New Hampshire.  
 6 GERALD MOAN: Okay. Fully establish and know that  
 7 two-thirds of the members of the National Committee are  
 8 in the room. There has been established a quorum to  
 9 conduct business. We will so conduct that business.  
 10 TIM MILLER: Quorum clarification, Mr. Chairman.  
 11 The quorum had been established two hours ago.  
 12 GERALD MOAN: That's correct. We are  
 13 re-establishing. You rise for the (inaudible) of the  
 14 motion.  
 15 TIM MILLER: Yes, sir. I respectfully move to  
 16 confirm the election of the southwest regional  
 17 representative.  
 18 GERALD MOAN: Ladies and gentlemen, this is now the  
 19 portion of the meeting that we all came on this day,  
 20 rearranged travel schedules, and et cetera, to meet;  
 21 therefore, I'd request your indulgence to be quiet while  
 22 we are doing the business of the party and moving us  
 23 forward.  
 24 Tim, please restate the resolution.  
 25 TIM MILLER: Mr. Chair, the resolution is to confirm

1 the election of the southwest regional representative.  
 2 Resolved, the members of the southwest region had a  
 3 teleconference meeting on 7/9 of 2000 pursuant -- in  
 4 proper timely notice. And Paul Truachs and Kelly --  
 5 elected Kelly Abt as regional representative effective  
 6 on 7/9 of 2000. I move that we confirm this election.  
 7 UNIDENTIFIED SPEAKER: Second.  
 8 UNIDENTIFIED SPEAKER: Secpnd the motion.  
 9 UNIDENTIFIED SPEAKER: Not a motion, versus  
 10 registration. We are actually --  
 11 TIM MILLER: We're affirming.  
 12 GERALD MOAN: We have a motion and seconded.  
 13 UNIDENTIFIED SPEAKER: Second.  
 14 GERALD MOAN: Is there any discussion? Is there any  
 15 discussion?  
 16 UNIDENTIFIED SPEAKER: Call for the question.  
 17 GERALD MOAN: Call the question. The question has  
 18 been called, yes, sir.  
 19 UNIDENTIFIED SPEAKER: I would like to know more the  
 20 particulars. I mean, if I'm going to cast my vote to  
 21 throw out people who are previously regional  
 22 representatives, I would like to know what the  
 23 particulars are.  
 24 UNIDENTIFIED SPEAKER: Point of information,  
 25 Mr. Chairman. We're not recalling anybody. We are

1 and elect Kelly Abt as regional representative. There  
 2 were 16 yes's and three no's. That's -- and we are  
 3 simply --  
 4 GERALD MOAN: You had 19 members attend?  
 5 TIM MILLER: That's correct.  
 6 GERALD MOAN: 16 out of 24?  
 7 TIM MILLER: That's correct.  
 8 GERALD MOAN: You had 16 vote to recall?  
 9 TIM MILLER: That's correct. I have the meeting  
 10 minutes.  
 11 GERALD MOAN: As I remember it, you had given  
 12 Mr. Truachs -- if everybody remembers the circumstances,  
 13 there was a meeting held with 24 hours' notice. The  
 14 Executive Committee ruled that that was not reasonable  
 15 notice, as per Robert's Rules. We asked them if they  
 16 were going to reconsider their actions that they  
 17 reconvene. They did so. I think it was 12 days later.  
 18 TIM MILLER: Eight days was actually officially when  
 19 the secretary admitted -- or validated that, right.  
 20 GERALD MOAN: Wendell, does that answer some of your  
 21 questions?  
 22 WENDELL KENNY: If it was a legal meeting of the  
 23 group --  
 24 UNIDENTIFIED SPEAKER: It was.  
 25 WENDELL KENNY: -- then why is there even a

1 reaffirming the legal recalls that happened.  
 2 TIM MILLER: That's correct. This is simply to  
 3 confirm.  
 4 GERALD MOAN: Time out. Time out. Come to the  
 5 microphone so everybody can hear your question.  
 6 Tim, let him take the microphone, please.  
 7 WENDELL KENNY: Wendell Kenny from Maine. And I  
 8 would like to know --  
 9 GERALD MOAN: State your name and state, please.  
 10 WENDELL KENNY: I would like to know if what we're  
 11 asking is: Was the meeting a legitimate meeting? Is  
 12 that the basic question?  
 13 GERALD MOAN: No. The resolution is reaffirming the  
 14 actions of the regional members of the southwest  
 15 committee that met --  
 16 WENDELL KENNY: The regional committee did meet --  
 17 GERALD MOAN: -- on July 9th. Correct me, Kelly.  
 18 WENDELL KENNY: Never mind.  
 19 GERALD MOAN: No, no. I want to answer the  
 20 question. I want Tim -- since, Kelly, you're involved,  
 21 I want Tim to general -- answer in general quickly for  
 22 what happened at the meeting, how many members attended.  
 23 TIM MILLER: Certainly. The members of the  
 24 southwest regional National Committee met on the phone.  
 25 And 16 out of 24 members voted to recall Paul Truachs

1 question?  
 2 GERALD MOAN: Because the Executive Committee and  
 3 Jim Mangio ruled that it was an illegal meeting.  
 4 UNIDENTIFIED SPEAKER: So we're reaffirming --  
 5 UNIDENTIFIED SPEAKER: But your ruling was --  
 6 TIM MILLER: The superior or the governing body to  
 7 the --  
 8 GERALD MOAN: In the ruling of the chair at the  
 9 point in time we had the discussion, that the members  
 10 who called the meeting, we told them to go back and  
 11 reconsider time frames, et cetera. They went back.  
 12 They decided to have another meeting. They notified Jim  
 13 and myself to have a meeting. 19 members out of the  
 14 region decided to attend. And they held a meeting, and  
 15 they recalled Paul for whatever reason.  
 16 UNIDENTIFIED SPEAKER: Is that not a question that  
 17 there was no cause?  
 18 GERALD MOAN: The part of the question that is --  
 19 was that there was no cause. But as I remember the  
 20 original call to the meeting, there was several  
 21 meetings. They asked Paul if he would reconsider his  
 22 actions and vote the (inaudible) of the members in the  
 23 region. Paul said he will vote his conscience and not  
 24 theirs. I was on the call, both calls, first and  
 25 second. Listen --

1 TIM MILLER: The party rules do not require any  
2 cause.  
3 GERALD MOAN: I understand that. But we are open  
4 here, and we are going to explain everything. So,  
5 therefore, we have answered, I believe, Wendell's  
6 questions. I ask for a motion --  
7 UNIDENTIFIED SPEAKER: Call for the question.  
8 WENDELL KENNY: The question has been called. We'll  
9 asked for a motion.  
10 UNIDENTIFIED SPEAKER: Motion -- confirmation, by  
11 the way, rather than a resolution.  
12 GERALD MOAN: It's a confirmation, rather than a  
13 resolution.  
14 UNIDENTIFIED SPEAKER: That's the way it was stated.  
15 GERALD MOAN: Actually, you could argue about  
16 minutia. This is the subcommittee of this committee,  
17 et cetera. But I am going to ask you to vote  
18 differently this time. Raise your cards up and stand  
19 up. You're getting lazy on me, gang. Stand up. Raise  
20 up.  
21 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
22 What is the vote? Restate the vote for this.  
23 Affirmative is?  
24 GERALD MOAN: A vote with a hand up, standing up, is  
25 a confirmation of the election of Kelly Abt as

1 UNIDENTIFIED SPEAKER: Second.  
2 GERALD MOAN: We hear a second?  
3 UNIDENTIFIED SPEAKER: Second.  
4 UNIDENTIFIED SPEAKER: Second.  
5 GERALD MOAN: Second? Second by somebody?  
6 UNIDENTIFIED SPEAKER: Second.  
7 GERALD MOAN: Okay. Any comment on the questions?  
8 UNIDENTIFIED SPEAKER: Move the previous question.  
9 UNIDENTIFIED SPEAKER: I second the question.  
10 GERALD MOAN: Move it. Any comment? Any dissent?  
11 UNIDENTIFIED SPEAKER: Vote.  
12 GERALD MOAN: Any reason Tim Halinan --  
13 UNIDENTIFIED SPEAKER: Not being a member, may I  
14 give a comment?  
15 GERALD MOAN: No. Members only. Just wait about  
16 three seconds. I think you'll be a member.  
17 UNIDENTIFIED SPEAKER: Call the question.  
18 UNIDENTIFIED SPEAKER: Can we vote, sir? Can we  
19 move on?  
20 GERALD MOAN: For the point of clarification,  
21 Wendell, do you have any questions of Tim?  
22 WENDELL KENNY: No.  
23 UNIDENTIFIED SPEAKER: Call the question.  
24 GERALD MOAN: The question has been called. We're  
25 moving right along. Stand up quickly, raise your card,

1 prescribed by the RPUSA Constitution as a regional  
2 representative of the southwest region.  
3 All those opposed, except Mr. Abt, stand.  
4 There's at least two.  
5 Any abstentions?  
6 KELLY ABT: Abstain, Mr. Chairman.  
7 GERALD MOAN: Mr. Abt, you have a --  
8 KELLY ABT: Thank you, Mr. Chairman. I'd like to  
9 move the --  
10 GERALD MOAN: One second, Kelly.  
11 UNIDENTIFIED SPEAKER: Yes, sir.  
12 GERALD MOAN: Obviously, the standing voting members  
13 of this committee have overwhelmingly decided that the  
14 motion passes.  
15 KELLY ABT: Thank you.  
16 GERALD MOAN: So congratulations again and welcome  
17 to the Executive Committee.  
18 KELLY ABT: Thank you, sir. Mr. Chairman, I move  
19 the confirmation of the election of the northwest  
20 regional representative. Resolved, the members of the  
21 northwest region had a teleconference meeting 7/19, year  
22 2000, pursuant and proper, in timely notice and recalled  
23 Luanne Jones and elected Tim Halinan, regional  
24 representative, to represent the northwest region  
25 effective 7/19.

1 reaffirm. It is the opinion of the chair that Mr. Tim  
2 Halinan joins us on the Executive Committee as northwest  
3 regional representative.  
4 Do we have any opposition? I'm sorry.  
5 UNIDENTIFIED SPEAKER: Excuse me. Extremely  
6 (inaudible) for a while. It's wonderful to finally have  
7 a regional representative.  
8 GERALD MOAN: Is there any opposition to that  
9 motion?  
10 (None.)  
11 GERALD MOAN: Any abstentions? Bev?  
12 BEVERLY KIDDER: I would like to have had more  
13 discussion on what happened there.  
14 GERALD MOAN: I understand. I think Tim can give  
15 you a copy of the minutes. Okay?  
16 Mr. Abt, you have something?  
17 KELLY ABT: Yes, Mr. Chairman. I move that the  
18 resolution -- the following resolution regarding the  
19 7/29 Executive Committee meeting held in Dallas, Texas,  
20 whereas, Executive Committee members called for a  
21 meeting in Dallas, Texas, on 7/29, whereas a quorum of  
22 the Executive Committee is a majority of the members.  
23 Resolved, that no quorum existed; therefore, all  
24 actions, including, but not limited to, the resolution  
25 disqualifying Patrick J. Buchanan from the Reform Party

1 USA primary are null and void, ab initio.  
 2 UNIDENTIFIED SPEAKER: Second.  
 3 UNIDENTIFIED SPEAKER: Second.  
 4 UNIDENTIFIED SPEAKER: Second.  
 5 GERALD MOAN: On the question, is there any comment?  
 6 Mr. Abt, would you restate for the chair to make sure  
 7 that -- I want to hear what that whole thing says again,  
 8 because I -- what we want to do is establish anything  
 9 since 7/29, without the proper quorum of Mr. Halinan and  
 10 Mr. Abt, is null and void.  
 11 UNIDENTIFIED SPEAKER: We've already done that.  
 12 GERALD MOAN: No. You stated on 7/29. We didn't  
 13 talk about subsequent Executive Committee meetings.  
 14 Okay. Let's handle this motion. If we decide that we  
 15 need another motion, I'm sure it can be entertained from  
 16 the floor. We've moved the question.  
 17 On the question, just raise your cards, 'cause  
 18 I know we're getting tired. Raising your card means you  
 19 vote for the amendment or for the resolution -- the  
 20 motion. I'll use all the words so everybody can say  
 21 what's going on. We're not going to hold them up for  
 22 ten minutes, though.  
 23 Any opposition, please? Any opposition? None  
 24 noted in the room.  
 25 Any abstentions?

1 I would not be.  
 2 GERALD MOAN: Are you talking about the --  
 3 WENDELL KENNY: I would like to know whether that  
 4 meeting -- what brought that meeting up. I mean, just  
 5 to say it's null and void is not satisfactory to me to  
 6 put it to bed.  
 7 GERALD MOAN: I will give the chairman's explanation  
 8 of the facts, as I understand it. On the date in  
 9 question, the members of the regions, in a  
 10 democratically called meeting, according to the rules of  
 11 the party, recalled the two regional representatives.  
 12 The Executive Committee is a committee of ten. Since I  
 13 am acting chair, the "vice chair," quote/unquote,  
 14 whichever way you want to spin it, is vacant. So that  
 15 is a ten-member committee.  
 16 By those two regions, electing their  
 17 representative in a democratic fashion, have said, "We  
 18 want other representation." So, therefore, the members  
 19 of the region said that Kelly Abt and Tim Halinan are  
 20 members of the Executive Committee without quorum.  
 21 Quorum needs six members of the Executive Committee to  
 22 move forward. My recommendation to the body of a whole,  
 23 the entire Reform Party, was that those meetings were  
 24 legitimate. And this meeting has just confirmed that.  
 25 The second thing is, all along, it has been

1 UNIDENTIFIED SPEAKER: No. For the record, ab  
 2 initio, could you explain it so it's on the record?  
 3 KELLY ABT: Ab initio, Mr. Chairman.  
 4 GERALD MOAN: Clue me in.  
 5 UNIDENTIFIED SPEAKER: Mr. Chairman, not that I have  
 6 this knowledge deep in my soul, but it means from the  
 7 beginning.  
 8 GERALD MOAN: Is that in here?  
 9 UNIDENTIFIED SPEAKER: It's Latin.  
 10 MR. COOTER: Ab initio means that it was void at the  
 11 time it was done and continues to be void. It's void  
 12 all the way back to whenever it happened.  
 13 UNIDENTIFIED SPEAKER: Amen.  
 14 GERALD MOAN: Thank you, I think. In absence, yeah.  
 15 In ab initio, all that other stuff.  
 16 Wendell, do you have something?  
 17 WENDELL KENNY: I'd like to have a -- regardless of  
 18 whether that meeting was legal or not, I don't know if  
 19 it was or not, 'cause two sides of the story. But I  
 20 would like to know what the background was and why that  
 21 even came up. I would like to know if -- because we are  
 22 charged with holding the highest moral ground and being  
 23 honest and upright. And if that was, in fact, a  
 24 stuffing of the box, then I would be opposed to  
 25 Mr. Buchanan as a candidate. If it were not, so, then,

1 the -- in the view of the Executive Committee that the  
 2 Presidential Nominations Committee -- and, quite  
 3 frankly, pushed very hard by Jim Mangio -- that Mick  
 4 Ferris and the members of that committee will guide us  
 5 through the nominations process.  
 6 On the evening of September -- I forget the  
 7 date, but it was a Friday evening -- the Presidential  
 8 Nominations Committee met. And over the objection of  
 9 Mick Ferris, who Jim has always backed as being a sole  
 10 arbiter of this process, the member of the committee,  
 11 Harry Kruski, introduced the disqualification  
 12 resolution. And it's always been the purview that the  
 13 PNC, the Presidential Nominations Committee, makes the  
 14 sole determination on the qualification or whether an  
 15 appeal should be brought to the Executive Committee.  
 16 Overwhelmingly -- however overwhelmingly five  
 17 people can be -- the motion was defeated four to one.  
 18 Mick Ferris and Dave Goldman voted against the  
 19 amendment. There was some question of whether Tom and  
 20 I, for political purposes, attended the meeting, the  
 21 meeting and the rules that everybody has been saying.  
 22 And we went against a number of other people in  
 23 the party for trying to change that process, says the  
 24 national officers are ex-officio members of that  
 25 committee, as long as you have not endorsed a candidate.

1 One of the members of national officer society that we  
2 have, Jim Mangio, came out and publicly endorsed John  
3 Hagelin. That voided his right to participate in the  
4 committee.

5 By action, people are implying that I have  
6 endorsed a candidate. I would ask everyone in this room  
7 and every person in the media to ever say who my choice  
8 was. I support the Reform Party and its nominee.  
9 Because I don't -- so, therefore, Mr. Mangio should have  
10 propped up his friends, if you want to say it -- Mick  
11 Ferris, who said, "There is no language in our  
12 resolution or in our encompassing document that says  
13 that this qualification is an option; therefore, I  
14 recommend everybody to vote against the resolution."  
15 Mr. Kruski wouldn't hear it, so we voted. Because  
16 disqualification, in the eyes of the chairman of that  
17 committee, was not an option.

18 Now, the second thing the people like to  
19 conjecture about, they set up a subcommittee to do an  
20 audit. And they said, "Oh, Buchanan is not going to  
21 take part in the audit. This one's not going to take  
22 part in the audit."

23 I said, "You know what? That's all crap. Give  
24 me an audit procedure. Tell me that Price Waterhouse is  
25 going to pick 20,000 names and validate the list

1 You've been up here all day.

2 UNIDENTIFIED SPEAKER: Absolutely.

3 GERALD MOAN: Because the thing is that, No. 1, my  
4 objection, my reason for voting against  
5 disqualification, was: Give the person a process. If  
6 he doesn't want to be part of that process -- but give  
7 him something to come home with and say, you know, "This  
8 is the way we're going to do it." But, no, that wasn't  
9 good enough.

10 It was just, "Oh, no. They said they're not  
11 going to do it."

12 And I said, "Give them a process to do it  
13 with." And that is the reason Tom and I voted against  
14 it; because even though they set up the audit procedure,  
15 they said, "Oh, no. We're not going to do it that way."  
16 Every time we offered an alternative or a negotiation,  
17 another mediation, (inaudible) was just adamant about --  
18 he was gone.

19 KLIMER WRIGHT: Excuse me, Mr. Chairman. This  
20 entire discussion is out of order. The time for  
21 discussion is when a motion is on the floor. This  
22 motion has already been voted on and passed  
23 overwhelmingly almost unanimously. It's time to move on  
24 to other business.

25 GERALD MOAN: I have taken the admonition of

1 submission."

2 You know what? They said no, they're not going  
3 to do that. A candidate in the primary said, "I want to  
4 mail to the whole 880,000 people that got a ballot."  
5 Well, I negotiated for that person to mail ballots to  
6 every person on the list. So it's been one suicide  
7 attempt after the next to override the will of the  
8 membership of this party. And that will never be  
9 tolerated by me, period.

10 WENDELL KENNY: Mr. Chairman, Mr. Chairman,  
11 Mr. Chairman, Mr. Chairman.

12 GERALD MOAN: Yes. I thought I said I recognize  
13 you.

14 WENDELL KENNY: I commend you for your statements on  
15 supporting the Reform Party. I, too, am in support of  
16 the Reform Party. The only reason I'm in here today is  
17 because I believe in reform. I would still like to know  
18 if you think or if the Presidential Nominating Committee  
19 thinks that there was any illegal activity, as far as  
20 stuffing ballot boxes, if you know what I mean.

21 GERALD MOAN: Do you believe that?

22 UNIDENTIFIED SPEAKER: Does the presidential nominee  
23 committee believe that? I'm talking --

24 GERALD MOAN: Wait a minute.

25 UNIDENTIFIED SPEAKER: Let me have five seconds.

1 Mr. Wright, with all due respect. However, my style is  
2 to be more explanatory, more lenient. However, I'm  
3 learning that I will have to change my ways.

4 Is there another motion to hit the floor?

5 KELLY ABT: Mr. Chairman, Kelly Abt, Houston, Texas.  
6 I move the following resolution concerning the  
7 appointment of special and subcommittee chairs, whereas,  
8 the Reform Party USA Constitution, Article 7, Special  
9 Committees and Subcommittees, Section 1A, states, quote,  
10 "The chair of any special committee shall be appointed  
11 by the national party chair. Whereas, Gerald Moan  
12 appointed Frank Reed, Credentials Committee chair  
13 resolved that Frank Reed is the Credentials Committee  
14 chair, and has been the Credentials Committee chair  
15 since his appointment by Gerald Moan, the national  
16 chair.

17 UNIDENTIFIED SPEAKER: Second.

18 UNIDENTIFIED SPEAKER: Second.

19 UNIDENTIFIED SPEAKER: Second.

20 GERALD MOAN: On the question, any discussion?

21 WENDELL KENNY: Chairman?

22 GERALD MOAN: Yes, sir, Wendell.

23 WENDELL KENNY: I don't know --

24 GERALD MOAN: No, no. That's okay.

25 WENDELL KENNY: I'd like to rise in favor of the

1 motion, but -- because I do believe you do have the  
 2 right to appoint committee chairs.  
 3 GERALD MOAN: Thank you, Wendell. Okay. Yes, Bev?  
 4 BEVERLY KIDDER: Just a question. According to our  
 5 Constitution, does anybody have to approve your  
 6 committee chair's appointments?  
 7 GERALD MOAN: The verbiage in the Constitution is  
 8 the national chairman shall appoint. Doesn't say with  
 9 the approval of anyone.  
 10 BEVERLY KIDDER: That's what I wanted,  
 11 clarification. Thank you.  
 12 GERALD MOAN: Okay. On the motion -- yes, on the  
 13 question?  
 14 UNIDENTIFIED SPEAKER: I move the question.  
 15 UNIDENTIFIED SPEAKER: I second.  
 16 GERALD MOAN: Second is moved. All those in favor,  
 17 meekly hang up. So the confirmation of Mr. Reed --  
 18 after I ask: Is there anybody in opposition? I just  
 19 want to see how fast you can put them down. Other than  
 20 Frank Reed, is there any opposition? Any abstentions?  
 21 (None.)  
 22 GERALD MOAN: Frank, I had a cakewalk today. The  
 23 motion overwhelmingly passes.  
 24 Anything else?  
 25 KELLY ABT: Yes, Mr. Chairman.

1 KLIMER WRIGHT: -- from now on and in the future.  
 2 GERALD MOAN: Time out. Time out. Time out. Time  
 3 out. For the purposes of the motion, is it July 26th  
 4 until August --  
 5 UNIDENTIFIED SPEAKER: July 29th.  
 6 GERALD MOAN: -- 14th?  
 7 UNIDENTIFIED SPEAKER: Yes.  
 8 KLIMER WRIGHT: Is that correct? That's my motion,  
 9 anything from then -- from my previous motion carrying  
 10 on through to now and in the future.  
 11 GERALD MOAN: Well, no, no. I want to make sure --  
 12 time out. Time out. I want to make sure that the  
 13 Executive Committee comes back into session legitimately  
 14 after all actions of the National Committee or National  
 15 Convention have done any rearranging.  
 16 UNIDENTIFIED SPEAKER: Mr. Chairman, could that  
 17 motion be approved if you specify the specific names of  
 18 the people who were on the illegitimate committee?  
 19 GERALD MOAN: I would rather cover the time span --  
 20 UNIDENTIFIED SPEAKER: Yes.  
 21 GERALD MOAN: -- time span from July 26th to  
 22 August 13th.  
 23 KLIMER WRIGHT: Okay. Fine. July 26 to  
 24 August 13th.  
 25 UNIDENTIFIED SPEAKER: Second.

1 GERALD MOAN: Could you guys make sure Mr. Bowes has  
 2 a copy of --  
 3 BOB BOWES: The motion and the --  
 4 GERALD MOAN: -- all four motions that have passed  
 5 so far?  
 6 Yes, Kelly?  
 7 KELLY ABT: Mr. Chairman, this is a point of inquiry  
 8 and might be followed by a subsequent motion. But it's  
 9 my understanding that the Executive Committee meeting  
 10 might -- what you might call bogus Executive Committee  
 11 meeting might be under way as we speak; in other words,  
 12 being held in some other building, some other place.  
 13 And I'm -- I don't know that the one resolution that was  
 14 passed earlier was null and void from the beginning.  
 15 I'm assuming that that resolution would be sufficient  
 16 for any future actions of this supposed group of  
 17 individuals.  
 18 GERALD MOAN: Mr. Wright, could you take the  
 19 microphone?  
 20 KLIMER WRIGHT: I would just like to move that -- to  
 21 clarify this motion that Kelly made that we passed, that  
 22 we declare null and void any action that the Executive  
 23 Committee has taken since July the 29th and on forward  
 24 any time in the future --  
 25 UNIDENTIFIED SPEAKER: Second.

1 GERALD MOAN: The reason I ask for that  
 2 specification, because the National Committee is meeting  
 3 today, which is a higher governing body than the  
 4 National Executive Committee, and can trump anything  
 5 that they do. Starting Thursday, the National -- I  
 6 forgot what we came for -- and National Convention being  
 7 a higher governing body than that body and the  
 8 Executive Committee will be in session and, therefore,  
 9 rules the day.  
 10 KLIMER WRIGHT: Perfect. That's my motion.  
 11 UNIDENTIFIED SPEAKER: Second.  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 GERALD MOAN: Point of inquiry from Bob Bowes.  
 14 BOB BOWES: The dates you are talking about, there  
 15 were some recalls that were made effective, some  
 16 July 9th. So -- and then there were meetings of the  
 17 Executive Committee that occurred since then. So you  
 18 might be talking about a broader window here.  
 19 UNIDENTIFIED SPEAKER: I'd frame it July 9th.  
 20 GERALD MOAN: Is that a friendly amendment?  
 21 BOB BOWES: Friendly amendment to July 3rd,  
 22 inclusive on August 13th.  
 23 GERALD MOAN: Does anybody wish to amend the  
 24 friendly, unfriendly, rather friendly amendment?  
 25 UNIDENTIFIED SPEAKER: Yeah, I'll amend it.

1 GERALD MOAN: Okay. Is there -- it's amended.  
 2 That's a friendly amendment.  
 3 Is there a second to the time frame dates?  
 4 UNIDENTIFIED SPEAKER: Second.  
 5 GERALD MOAN: Second, third, fourth.  
 6 UNIDENTIFIED SPEAKER: 29th was the day they met,  
 7 right?  
 8 GERALD MOAN: Time out. State the dates again, Bob.  
 9 BOB BOWES: There were several Executive Committee  
 10 meetings that occurred after one or more of the members  
 11 were -- Executive Committee members were recalled. The  
 12 first meeting, I believe, was held on July --  
 13 UNIDENTIFIED SPEAKER: -- 1st.  
 14 BOB BOWES: I'm sorry. The first recall occurred on  
 15 July 9th. So I would say July 9th should be the start  
 16 all the way through today.  
 17 GERALD MOAN: To the 13th.  
 18 TIM MILLER: Through Sunday, 1:00 p.m.  
 19 GERALD MOAN: Right. Well, I'll get there. Okay.  
 20 Does everybody understand what we're going to vote on?  
 21 UNIDENTIFIED SPEAKER: State it.  
 22 UNIDENTIFIED SPEAKER: Restate the vote.  
 23 GERALD MOAN: The resolution is: The motion is  
 24 clearly stated that any action from the dates of  
 25 July 9th through August 13th of the Executive Committee

1 problem, in that we cannot consider another candidate  
 2 from a competing political party that belongs to a  
 3 different corporate entity than the party that we belong  
 4 to.  
 5 I believe from what I've seen on the Internet,  
 6 there's something like 43 other states that have that  
 7 same situation. So I don't know whether this is the  
 8 point to raise it now or at the convention.  
 9 GERALD MOAN: This is a matter of the National  
 10 Convention.  
 11 JERRY HEINEMAN: Okay. That's what my question was.  
 12 GERALD MOAN: Any other business to come before this  
 13 meeting?  
 14 UNIDENTIFIED SPEAKER: You said motion on the floor?  
 15 GERALD MOAN: Time out.  
 16 UNIDENTIFIED SPEAKER: Second.  
 17 KLIMER WRIGHT: Motion on the floor.  
 18 KELLY ABT: Mr. Chairman, Mr. Chairman, I'll be  
 19 happy to withdraw my motion for the purposes of these  
 20 gentlemen.  
 21 GERALD MOAN: Mr. Bowes brings up a good point of  
 22 order. We were called here to review the preparations  
 23 of the National Convention. I could only assume you  
 24 want to hear something.  
 25 UNIDENTIFIED SPEAKER: Yea.

1 are null and void. And we have a second. We had a --  
 2 we're moving it. All those in favor, say "Aye."  
 3 (Majority said "Aye.")  
 4 GERALD MOAN: All those opposed, please stand up.  
 5 Only way I can get Jerry to sit down.  
 6 (One.)  
 7 GERALD MOAN: Any abstentions, please? Anybody  
 8 abstaining?  
 9 (One.)  
 10 GERALD MOAN: I think it's -- we are -- we know  
 11 which way we want to go, Mr. Abt.  
 12 KELLY ABT: Mr. Chairman --  
 13 GERALD MOAN: I declare that the motion is passed  
 14 overwhelmingly.  
 15 KELLY ABT: Mr. Chairman, I move that the meeting of  
 16 the National Committee be recessed until tomorrow,  
 17 Wednesday, 1:00 p.m.  
 18 GERALD MOAN: Time out. Jerry?  
 19 JERRY HEINEMAN: Yes, Mr. Chairman. I have a point  
 20 of order and question to ask. Jerry Heineman,  
 21 vice-president of the West Virginia Reform Party. I had  
 22 sent a resolution around to all members of the National  
 23 Committee, to all state chairmen, in regards to the fact  
 24 that if we're going to consider the Natural Law Party as  
 25 all, that under West Virginia law, we have a legal

1 UNIDENTIFIED SPEAKER: Yeah.  
 2 GERALD MOAN: All right. Basically, I've spent all  
 3 the money, and the kids are in Bermuda. No. Basically,  
 4 what's happened is from an overall perspective, I  
 5 haven't done a whole heck of a lot. The one person in  
 6 this party, whether we agree with her philosophy or  
 7 politics, Judy Duffy has done it all at no pay,  
 8 tremendous amount of volunteer hours on her own.  
 9 She spent countless hours doing -- arranging  
 10 the buses, the this, that, and the other thing. She's  
 11 done yeoman's work. We have an office across the street  
 12 at the Convention Center. I think you folks -- although  
 13 you've seen these \$65 million conventions that they  
 14 have, but you'll see a good volunteer effort. We're  
 15 going to run a darn good convention. We're going to get  
 16 over our pains, and we're going to move forward.  
 17 We're going to have some of our candidates  
 18 speak. I know John is one of the candidates that will  
 19 speak. We have a candidate from North Carolina who's  
 20 changed from Republican to Democratic Party and is a  
 21 sitting member of the state senate there. We've got  
 22 Datewood Galreiss, who's going to speak. He's a member  
 23 from Kentucky who got -- who ran for governor last time  
 24 and got 30 percent in that district.  
 25 I believe if we're going to have to capture a

1 congressional race, that's the district we're going to  
2 do it in. So aside from that, we have bells and  
3 whistles. We have trinkets and trash. We have all this  
4 other good stuff. But what we really have is an  
5 Arizonan viewpoint. When you walk outside, it ain't 115  
6 degrees; or Alaska. I mean, one extreme to the other.  
7 guys.

8 But the thing -- what we'll have, to do is we'll  
9 have to discuss -- now, there is a bunch of rules,  
10 things to come up. And I think, Wendell, you're  
11 accepted, right, to do the rules -- portion of the rules  
12 committee meeting?

13 WENDELL KENNY: (Inaudible.)

14 GERALD MOAN: Okay. Now, because Frank Reed is the  
15 appointed credentials chair, he's also the rules  
16 chairman. So he's asked -- and Wendell Kenny, who's  
17 attempting to clarify everything. Just so you'll know  
18 who Wendell is, he is going to chair the rules committee  
19 meeting tomorrow and then probably at the convention,  
20 depending on time frames.

21 You'll also -- depending on some of the  
22 rules -- Constitution changes that you're going to  
23 see -- and I know nobody wants to vote for all four  
24 national officers. But if we decide to change to  
25 every-two-year conventions, I believe the consensus of

1 National Committee member taking my place in the  
2 National Committee.

3 GERALD MOAN: Is Mr. Buffington in the room?

4 KELLY ABT: He is before you -- before you here.

5 GERALD MOAN: Okay. There's been a motion and  
6 seconded to accept for membership, due to the  
7 reaffirmation of Kelly Abt, Blake Buffington as National  
8 Committee member for the State of Texas, so certified by  
9 the state chair. Do I hear a second?

10 UNIDENTIFIED SPEAKER: Second.

11 UNIDENTIFIED SPEAKER: Second.

12 GERALD MOAN: All those in favor say "Aye."

13 (Majority said "Aye.")

14 GERALD MOAN: All those opposed?

15 (One.)

16 GERALD MOAN: All those abstaining? There's one  
17 opposition. It is the decision of the chair  
18 overwhelmingly the motion is passed. We really need to  
19 get moving, so what do you have? Next piece of  
20 housekeeping?

21 TIM HALINAN: This is Tim Halinan from Wyoming. I  
22 have a resolution. I don't think our work is done until  
23 the following thing is put on the record. Whereas,  
24 acting chairman Moan, treasurer Tom McLaughlin, and  
25 regional representative Cedric Scofield have loyally

1 the rules committee is that the four officers, at least,  
2 are up for election. So that means chairman, vice  
3 chairman, secretary, and treasurer will all be up for  
4 election or, in some cases, re-election. I know one  
5 case it ain't gonna happen.

6 Now, there's also been some conjecture about  
7 regional meetings. You are the members. You decide  
8 what you want to do, when you want to do it, and how you  
9 want to do it. We're all here to grow the party,  
10 participate in democracy, and tell our friends and  
11 neighbors in the Democratic/Republican Party they  
12 haven't got a lock on democracy. They haven't got a  
13 lock on (inaudible). They haven't got a lock on one  
14 stinking vote. If someone says to you, "Well, he's  
15 stealing votes from them. He's stealing votes from  
16 them." they haven't earned diddly.

17 KELLY ABT: Mr. Chairman.

18 GERALD MOAN: Yes, sir.

19 KELLY ABT: Just a bit of housekeeping, if I could.  
20 I have tendered with -- my affirmation as being on the  
21 Executive Committee, have tendered my resignation as  
22 National Committee man representing the State of Texas.  
23 And, consequently, there was a meeting held in Texas on  
24 August the 3rd, a meeting of the state Executive  
25 Committee, whereby they elected Blake Buffington as the

1 worked to further the mission and continued existence of  
2 the Reform Party; and for their adherence to its  
3 Constitution, be it resolved that the National Committee  
4 officially declares Gerry Moan, Tom McLaughlin, and  
5 Cedric Scofield to be true reformers who made a  
6 difference and present them with an appropriate plaque  
7 and recognition. I move that motion.

8 UNIDENTIFIED SPEAKER: Here, here.

9 GERALD MOAN: All right. Do I have a second?

10 TIM MILLER: I'll second.

11 GERALD MOAN: Thank you, Tim.

12 UNIDENTIFIED SPEAKER: Second.

13 GERALD MOAN: All those in favor? No, no, no, no.  
14 All those in favor, stand up and yell "Democracy."

15 (Majority said "Democracy.")

16 GERALD MOAN: All those opposed?

17 UNIDENTIFIED SPEAKER: How about Constitutional  
18 Republic?

19 GERALD MOAN: Any abstentions?

20 (One.)

21 GERALD MOAN: In the opinion of the chair, the  
22 motion is overwhelmingly passed.

23 Is that --

24 BEVERLY KIDDER: Bev, yes. I am from --

25 GERALD MOAN: I believe --

1 BEVERLY KIDDER: You think that's been taken care  
2 of?  
3 GERALD MOAN: No, I think it's convention business.  
4 BEVERLY KIDDER: Okay.  
5 GERALD MOAN: Convention delegates.  
6 BEVERLY KIDDER: And when should I bring this up?  
7 GERALD MOAN: First chance.  
8 BEVERLY KIDDER: Okay. That's right now, then,  
9 right?  
10 GERALD MOAN: No. At the National Convention.  
11 BEVERLY KIDDER: At the National Convention. Okay.  
12 GERALD MOAN: National Convention business.  
13 BEVERLY KIDDER: Okay.  
14 GERALD MOAN: John?  
15 JOHN MITCHELL: My name is John Mitchell, running  
16 for Congress in Ohio, 7th District. And I want to take  
17 slight issue with Gerry. Maybe I interpreted this  
18 wrong, but I think you said Mr. Galbreth had maybe  
19 perhaps the best chance to win.  
20 GERALD MOAN: I knew you were going to call me on  
21 that one. Go ahead, John.  
22 JOHN MITCHELL: I ran for governor in 1998, Ohio;  
23 got over 110,000 votes. As a percentage of net worth, I  
24 have spent higher percentage than Ross Perot. I'm going  
25 to win. I'm going to win this thing, and I haven't

1 stopped campaigning since the gubernatorial race. So I  
2 just want to make that clarification.  
3 GERALD MOAN: John, what we need to do is to make  
4 sure we support them.  
5 Kelly?  
6 KELLY ABT: Mr. Chairman, I move that this meeting  
7 of the National Committee be recessed and be --  
8 GERALD MOAN: To be --  
9 KELLY ABT: -- until such time that 50 members --  
10 GERALD MOAN: We will be reconvened at the normal  
11 time on the agenda for Sunday.  
12 KELLY ABT: That's correct; or unless 50 requests  
13 that it be reconvened.  
14 UNIDENTIFIED SPEAKER: I second the motion.  
15 UNIDENTIFIED SPEAKER: I second the motion.  
16 UNIDENTIFIED SPEAKER: Earlier than Sunday.  
17 UNIDENTIFIED SPEAKER: Earlier than Sunday.  
18 GERALD MOAN: The committee -- the National  
19 Committee, the resolution on the floor to recess the  
20 meeting until a point in time on the sent-out agenda,  
21 this then reserves the rights of the National Committee  
22 to call the National Committee meeting at any time, or  
23 50 members.  
24 KELLY ABT: Or 50 members.  
25 GERALD MOAN: Right. Is there a second?

1 UNIDENTIFIED SPEAKER: Second.  
2 UNIDENTIFIED SPEAKER: Second.  
3 UNIDENTIFIED SPEAKER: Second.  
4 GERALD MOAN: Dottie Watson?  
5 BOB BOWES: Dottie Watson?  
6 GERALD MOAN: Any comment, sir? Yes, sir. Wait a  
7 minute. Wendell, he is at the -- at the mike first. Go  
8 ahead, sir.  
9 BRIAN OTTMER: I'm Brian Ottmer from New Mexico. I  
10 would like to salute Gerry Moan.  
11 GERALD MOAN: No, no, Brian. We have a motion on  
12 the floor.  
13 BRIAN OTTMER: Okay.  
14 GERALD MOAN: Don't worry. I'll take the kudos  
15 later.  
16 Yes, Wendell?  
17 WENDELL KENNY: I was under the impression,  
18 Mr. Chairman, we had a National Committee meeting  
19 scheduled for Sunday.  
20 GERALD MOAN: That's what we did. That's to return  
21 to the normal published, you know, convention call that  
22 went out.  
23 WENDELL KENNY: Fine.  
24 GERALD MOAN: Recess at that time or until the  
25 national chair of the 50 members call.

1 UNIDENTIFIED SPEAKER: Right.  
2 GERALD MOAN: Yes, sir.  
3 BRIAN STRANSKY: Brian Stransky from California. So  
4 just for simply clarification, so if we recess now, we  
5 won't meet until Sunday?  
6 UNIDENTIFIED SPEAKER: Not necessarily.  
7 GERALD MOAN: No, no. Remember, according to the  
8 Constitution, 25 percent of the members of the National  
9 Committee can call a meeting as they so request, or it  
10 can be called as the national chair has the authority to  
11 call that, as well.  
12 UNIDENTIFIED SPEAKER: But that's still going to  
13 take 87 people to constitute a quorum to pass anything,  
14 right?  
15 GERALD MOAN: No. 82 members. This body is in  
16 recess. All these members that have been duly recorded  
17 as the official attending members of the National  
18 Committee, if 25 percent of their friends want to call a  
19 meeting and stop them from doing other things, that's  
20 their purview.  
21 UNIDENTIFIED SPEAKER: Thank you.  
22 GERALD MOAN: Let me clarify it again. If 25  
23 percent of the members in this room, which is the  
24 National Committee, as established by what's gone on  
25 today, decide to have a meeting before resuming this

1 session on Sunday, it's their -- it's up to them. Okay?  
2 Is everybody clear on this?  
3 Yes, sir?  
4 UNIDENTIFIED SPEAKER: What you're saying is that  
5 it's either up to the chair or 25 percent. So we  
6 obviate the 50?  
7 GERALD MOAN: To reconvene --  
8 UNIDENTIFIED SPEAKER: To reconvene.  
9 GERALD MOAN: -- this session --  
10 UNIDENTIFIED SPEAKER: Right.  
11 GERALD MOAN: -- with these members.  
12 UNIDENTIFIED SPEAKER: If not, we meet at the  
13 regular scheduled time on Sunday?  
14 GERALD MOAN: That's correct. Or we could all walk  
15 in the hall, say, "I've had enough," and go.  
16 UNIDENTIFIED SPEAKER: What number is 25 percent?  
17 GERALD MOAN: 25 percent, I believe -- Bob?  
18 BOB BOWES: 41.  
19 GERALD MOAN: 41 members of the National Committee.  
20 Yes, sir?  
21 UNIDENTIFIED SPEAKER: Yes, sir. That's what I  
22 wanted to talk about originally. I'd like to make a  
23 friendly amendment that it not be 50, and it would be 25  
24 percent, which would be 41.  
25 GERALD MOAN. No, no. 25 percent it takes to call a

1 meeting. 50 percent plus one is quorum. It's still the  
2 old Constitution way. 25 percent national chair. We  
3 are reconvening this session with these members.  
4 Question's been called. Question's been called. We  
5 take a vote on the motion.  
6 UNIDENTIFIED SPEAKER: All in favor?  
7 JERRY HEINEMAN: Could everybody write their name  
8 and hotel on there and then turn it into the --  
9 GERALD MOAN: If you guys that want to do  
10 organizational stuff want to do it, we'll do it after  
11 the meeting, outside somewhere. I'll just motion to  
12 recess this meeting until the time of Sunday. Brian, I  
13 missed you. But we're going to recess this meeting.  
14 But if you want to throw a general comment in there, I'd  
15 be glad to take kudos.  
16 All those in favor of the motion to recess  
17 signify by raising your cards and saying "Aye."  
18 (Majority said "Aye.")  
19 GERALD MOAN: All those who want to stay here say  
20 "No." Any abstentions?  
21 BRIAN OTTMER: I would like to salute Gerry Moan for  
22 navigating the Reform Party through rough water today.  
23 (Ending time: 4:18 p.m.)  
24  
25

AFFIDAVIT OF SUE HARRIS DEBAUCHE

On this day, Sue Harris DeBauche, as Northeast Regional Representative and current Executive Committee Member for the Reform Party of the United States of America (Reform Party USA) and present National Party Vice Chair of the Reform Party USA and 2000 Convention Committee Chairman, and as State Chair of The Virginia Reform Party, a/k/a The Reform Party of Virginia, The Reform Party and The Virginia Independent Party, appeared before me, the undersigned notary public. After I administered an oath to her, upon her oath she said that the following matters stated in this Affidavit are within her personal knowledge in both her capacities as A) the National Vice Chair of the Reform Party USA and as B) the State Chair of The Virginia Reform Party, et al., the only recognized affiliated state party organization for the Reform Party USA in Virginia, and are true and correct.

1. I was a founding member of the Reform Party USA since October, 1995, and have been the Northeast Regional Representative since my election on July 23, 1999, at the Northeast Regional Meeting held in Dearborn, Michigan. I continued in this office until August 12, 2000, at which time I was elected National Party Vice Chair by the 2000 National Convention of the Reform Party USA. An interim Northeast Regional Representative has been elected and a formal election will be held September 4, 2000, at which time my responsibilities as the Northeast Representative will go to my successor.
2. Upon my election as Northeast Regional Representative on July 23, 1999, I immediately took my place on the Executive Committee of the Reform Party USA, and as such participated in the meetings held by that body to date. The Northeast Region covers the eight states of Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia, and the representative is responsible for the liaison for that region with the balance of the Executive Committee.
3. In the fall of 1999, Patrick J. Buchanan and others announced their candidacy for the Reform Party Presidential Nomination.
4. On February 12, 2000, in Nashville, Tennessee, I attended a meeting called as a National Committee Meeting of the Reform Party USA. It was my belief and contention that the meeting was illegally called and that people who were seated to vote were not legally elected within their state parties. My belief was based on personal and physical knowledge and various reports nationwide. It was my intent to only observe and not participate giving legality to the meeting.
5. Even though I believed the meeting on February 12, 2000, to be illegal, I did acknowledge the position of the National Secretary to verify who the National Committee Members were, and that those persons appearing were indeed the rightful, elected National Committee Members.

6. On July 5, 2000, the ballot request process for the Reform Party Presidential Nomination national primary began. The primary ballot listed John Hagelin and Patrick J. Buchanan as the only two candidates.
7. Under rules adopted at the 1999 Reform Party Convention, this process enabled three categories of voters to receive ballots and vote in the primary: 1) Registered Reform Party members; 2) Registered voters who signed petitions to get the candidate on the state ballots; and 3) Registered voters who specifically presented to the candidates signed, written requests to receive a ballot.
8. Based upon information made available to members from the Presidential Nominating Committee (PNC) and from the National Secretary, Jim Mangia, reports of ballot irregularities were appearing. The Executive Committee and Presidential Nominating Committee ordered the candidates to submit to a verification that their ballot request submission complied with the Reform Party rules. John Hagelin's campaign fully complied with this request. Patrick J. Buchanan refused to comply.
9. In July, the Executive Committee learned that Mic Farris, Chairman of the PNC, and then Vice Chair Gerry Moan (acting Chairman of the Reform Party following the resignation of Pat Choate), had both signed an agreement (I understand unbeknownst to each other) with the Buchanan Campaign relative to the use of the database submitted by the Buchanan Campaign. Executive Committee Members, including myself, were shocked that such an agreement had been signed for any reason since the rules stated firmly that the information used for the balloting process would need to be verifiable to the Federal Election Commission (FEC), and therefore, would need to be the property of the party for such verifications.
10. On or about July 29, 2000, the Executive Committee received a formal complaint from John Hagelin in which it was stated that Patrick J. Buchanan had turned in ballot requests in states where there were no petitioning efforts done, and that it appeared the requests had come from Republican donors and lists of supporters to Patrick J. Buchanan while he was a Republican candidate. Upon information and belief, the number of these requests from states where no petitioning took place was over 260,000. At this point, Patrick J. Buchanan was suspected of voter fraud.
11. On or about July 12, 2000, and Executive Committee teleconference was held. Attorney Dale Cooter, who had been retained by the Executive Committee (without my affirmative vote) to represent the party in the lawsuit which was filed originally by Pat Choate on behalf of the Reform Party in Lynchburg, Virginia, was on the teleconference with the Executive Committee. Mr. Cooter's demeanor was offensive to the Executive Committee Members as it appeared he was trying to intimidate the Executive Committee with threats of lawsuits rather than advise them of their legal position. It was my feeling at that time, and not for the first time, that Mr. Cooter was not acting on behalf of the Reform Party USA and in that respect as a legal advisor to the Executive Committee, but to perhaps the Buchanan Campaign.

12. On July 29, 2000, I participated with the Executive Committee in a meeting where we voted 7 to 0, with three members absent, to disqualify Patrick J. Buchanan from the Reform Party primary vote because of his refusal to allow the party to verify his ballot request submissions and clear himself of the voter fraud suspicion.

13. At the same meeting of July 29, 2000, the Executive Committee made a resolution 7 to 0 to terminate the services of Attorney Dale Cooter in respect to all his activities for the party with the exception of the Appeals portion of the Lynchburg, Virginia, Order and Opinion issued by Judge Norman Moon. The resolution also stated that Dale Cooter was to uphold the resolutions of the Executive Committee made in its July 29, 2000 meeting in all his actions in the future.

14. The National Convention for the year 2000 had been called for August 10, 2000, in Long Beach, California. A National Committee meeting had been called for the end of the Convention. Notice of these meetings were sent out many months prior to the meeting date. In July 2000, the Executive Committee received requests from in excess of 25% of the members of the National Committee to call a meeting of the National Committee for August 8, 2000. The Executive Committee expressed grave concern that this quickly scheduled meeting would inconvenience many National Committee Members because they had already made travel arrangements to attend the post convention meeting. Nevertheless, under the Constitution, 25% of the National Committee Members may call a meeting and thus the Executive Committee, with the information provided by Gerry Moan, sent out meeting notices for the August 8, 2000 meeting in Long Beach, California, at the Westin Hotel.

15. Previously, on January 18, 2000, the Executive Committee passed a resolution stating that under the Reform Party Constitution the credentialing/registering of persons as National Committee Members of the Reform Party was the sole responsibility of the Party's National Secretary. Gerry Moan, the acting Party Chair, voted in support of that resolution at that meeting. At the time the August 8, 2000 meeting was called, Mr. Moan had changed his position and stated a Credentials Chairman, named by him, would be the credentialing agent. However, no Executive Committee resolution was passed to this effect, nor any such person named by Moan.

16. Prior to the August 8, 2000 National Committee meeting, the Executive Committee learned that the room in the Westin Hotel where the National Committee meeting was to be held was being paid for and held by the Buchanan Campaign and that the Buchanan Campaign had contracted and stipulated in the contract that the Hotel could not rent rooms for political purposes without the Buchanan Campaign's consent. The Executive Committee agreed that these arrangements were unacceptable in that a candidate especially one which had been disqualified, should not be in control of a Reform Party meeting locality. The Executive Committee sought to have control of the room transferred to the Reform Party, but the transfer was refused by the Buchanan Campaign. Gerry Moan indicated that the meeting would be held as a Reform Party meeting, and having no other recourse, the Executive Committee left the arrangements as they were.

17. At the August 8, 2000, National Committee meeting, I was present in my capacity as the Northeast Regional Representative and as an Executive Committee Member, and had my state party organization's three National Committee Members present to be credential.

18. All Executive Committee Members called for a meeting prior to entering the area of the National Committee meeting. Jim Mangia convened the meeting. One of the motions passed by the Executive Committee was to allow the media and the public into the meeting. The Executive Committee stayed in session throughout the entire Convention.

19. At a table outside the meeting room, persons I did not recognize were checking people off of a list to enter the meeting room. Persons known to me to be National Committee Members, as well as the National Committee Members from my state of Virginia, were being told they were being contested and were not allowed to enter the room. I, as an Executive Committee Member was given a yellow ticket to show the security guards so they would let me pass into the room.

20. At this credentialing table, Robin Smoot, an employee of Dale Cooter and his law firm of Cooter, Mangold, et al., was directing and advising the persons checking the lists of who could enter the meeting room. Ms. Smoot was approached and queried as to her involvement, and she indicated she was there to advise the people at the table. She would not listen to any argument as to the lists being correct or incorrect. Mr. Cooter, nor his employees were authorized by the Executive Committee to advise any Reform Part official regarding admission to the National Committee Meeting.

21. Once inside the meeting room, I was surprised to see a large number of people present, yet outside the room were people I knew were legal National Committee Members not able to enter the room. As Jim Mangia attempted to credential members, many of these people were disruptive, commenting when they should not, and participating in voting calls made by Gerry Moan when they had no right to participate, as they had not yet been credentialed.

22. Jim Mangia, the National Secretary, was prepared to present a report on the credentialing of National Committee Members. The standard practice was for the National Secretary to present the list of unchallenged committee members and challenged committee members. In those meetings, the procedure was for the unchallenged committee members to vote on the resolution of challenged members. Challenged members did not vote until they were seated.

23. The atmosphere in the meeting room at the Westin Hotel on August 8, 2000 was chaotic and tense. There was only one microphone. The seats around the microphone were occupied by men who would continually stand up and take the microphone ahead of anyone else approaching the microphone from another part of the room--some of these people known to me were Joe Sansone, Robert Bowes, Kelly Abt, all of whom are known Buchanan supporters. No press or public were allowed in the room by Mr. Moan and his security forces in spite of a prior Executive Committee

resolution authorizing the presence of press and the public. All prior meetings of the National Committee had been opened to the press and public.

24. A Parliamentarian had been retained by the National Secretary and was present to make rulings on parliamentary issues. She was a professional Parliamentarian and a member of the National Association of Parliamentarians. At one point in the meeting when it was asked if the Parliamentarian could give her opinion, Gerry Moan announced that the Parliamentarian was there to advise the Chair only and that it was out of order for her to answer any questions from the body.

25. Attorney Dale Cooter was present and seated at a table on the front, right side of the room along with Robin Smoot to his left facing the body. Numerous times, Mr. Cooter advised Gerry Moan in front of the room. Mr. Cooter's presence and services at the August 8, 2000 meeting were not authorized by the Executive Committee.

26. Gerry Moan, the Vice Chair, presided over the meeting. Under the Constitution the National Committee Members consists of three representatives from each recognized affiliated state Reform Party organization, chosen according to the state party's rules, and confirmed to the members of the Executive Committee.

27. Mr. Moan first tried to limit the National Committee Members to those who had been selected by the state Reform parties prior to August 1, 2000. There is no deadline for the state parties to select National Committee Members in the Constitution, even though it is basically understood that the Members serve a two year term once elected. Nothing had ever been imposed as to a deadline for states to hold their election meetings prior to a National Committee meeting. The Parliamentarian ruled that under the Reform Party Constitution, it was not proper to prevent the seating of members to the National Committee because their names were submitted by state parties after August 1, 2000. Mr. Moan said that the Parliamentarian's opinion was not binding on him and refused to follow it. Members of Executive Committee protested the chair's failure to follow the Parliamentarian's ruling, but improperly were ruled out of order by the chair.

28. Jim Mangia made his report alphabetically by state and reported which states had no challenges to the National Committee Members and which states had challenges. At the end of the report there were 40 state representative National Committee Members who were unchallenged plus the Executive Committee Members present and unchallenged. All the other state representatives were challenged, yet the room was full of people.

29. After reading the list, a person on the floor raised the issue of whether a quorum existed. In prior National Committee meetings the number of challenged members was never greater than one half of the total potential members present. Thus, the Parliamentarian was consulted, and she ruled that under the Constitution a quorum consisted of a majority of non-contested members of the National Committee (Article 4, Section 7, RP Constitution). Mr. Moan accepted this ruling, but then over protest from the floor, allowed all people present in the room to vote, most of whom were

contested and not yet credentialed. The Parliamentarian voiced opposition to this action and Mr. Moan refused to adhere to her advice. Mr. Moan asked for all people who agreed with his ruling to rise from their seats. He then declared that people on the floor had approved his decision. Again, people participated who had no right whatsoever to vote.

30. The next issue presented was how to vote on the challenges to the members. Again the Parliamentarian was consulted, and she ruled that only unchallenged committee members could vote on the seating of challenged members. When her ruling was announced, there was an outcry from some people present. Mr. Moan again stated he would not follow the Parliamentarian's ruling and asked for people to rise in support of his decision to allow challenged members to vote on other challenged states. Again, people participated who had no right whatsoever to vote. —

31. In all prior National Committee and National Convention meetings the procedure followed was that only unchallenged members voted on the seating of challenged members.

32. To me and others around me, it was clear the meeting was not going to be conducted by Mr. Moan under any fair or legal rules, or pursuant to the Reform Party Constitution. Accordingly, Jim Mangia instructed the properly constituted members of the National Committee (i.e., the unchallenged members) to leave the room and convene elsewhere at which point, I and others rose to leave the room.

33. As we approached the back of the room to leave, the doors were still closed. There were persons in the group I knew were part of the ones who were voting erroneously. There was much pushing and shoving, and finally one of the doors burst open and the first ones were able to leave. Some of us then started shouting, "Let us out!, Let us out!", and finally, the double doors were released and we were able to leave the room. I understand some persons were injured during the pushing and shoving.

34. The Executive Committee and those National Committee Members who left the illegal Moan meeting reconvened the lawful National Committee Meeting at the Renaissance Hotel. Relocation of the meeting was ratified by a vote of the National Committee at the new location.

35. Upon reconvening in an alternate location at the Renaissance Hotel, Long Beach, California, the number of uncontested National Committee members was 22. This was sufficient for a quorum for the National Committee meeting to begin and also signified that the previous meeting at the Westin Hotel, Long Beach, California, was now operating without a quorum.

36. At the properly constituted meeting at the Renaissance Hotel, the issue of settling challenges to the seating of members from other states, with only unchallenged members voting, was again taken up. Once a challenged member was seated, they then voted with the unchallenged members. At the end of this process, I understand the membership totaled 89 members. This is more than one

half of the total possible membership of the National Committee. (A possible 164 minus positions equals 162, depending on the number of seats actually filled by the state party.)

37. Jim Mangia was elected interim National Party Chair to fill the vacancy left by the prior resignation of the National Chair. Article 8, Section 7 of the Constitution authorizes the National Committee to temporarily fill vacancies until the National Convention fills the vacancy. The National Committee also elected an interim National Secretary, Dror Bar-Sadeh.

38. The National Committee then properly passed resolutions affirming the disqualification of Patrick J. Buchanan for failing to permit the verification of his primary ballot submissions; affirmed the Executive Committee decisions concerning the credentialing committee for credentialed delegates to the August 10, 2000 National Convention, with Dot Drew as chair, and ratified all Executive Committee decisions for the prior two months.

39. Because of his actions which were to the detriment of the Reform Party USA, Gerry Moan was removed as 2000 Convention Committee Chairman. I was elected to replace Mr. Moan, and by letter, from the Executive Committee, I proceeded to notify the Long Beach Convention Center and Mr. Perlman who was doing the convention planning and arrangements of the change of chairmen and of the position of the Executive Committee relative to the 2000 Nominating Convention.

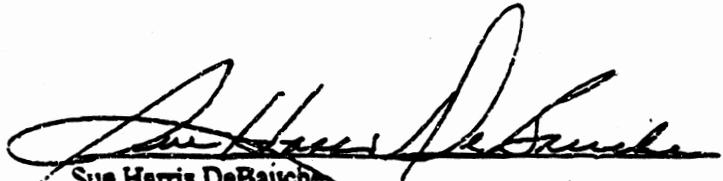
40. I believe the effects of the above facts on the Reform Party nomination process are clear. Only delegates credentialed by the Credentials Committee chaired by Dot Drew can legitimately participate in the Reform Party 2000 National Convention. Furthermore, Patrick J. Buchanan disqualified himself from the primary balloting process and Dr. John Hagelin is the only legitimate candidate for the Reform Party Presidential Nomination through the primary process, which is required by resolution of the 1999 Convention and cannot be changed during the presidential election year, 2000. Any attempt by attendees of a Convention credentialed by a committee other than the Dot Drew-chaired committee will be illegal under the Reform Party Constitution.

41. Patrick J. Buchanan and his supporters publicly announced they would not participate in the Dot Drew credentialing committee and the National Convention arising out of that process, and in fact, they did not. Thus, any certification of Mr. Buchanan as a Presidential Candidate of the Reform Party by any other convention will be an illegal certification since it will not be a certification of the Reform Party. Such Reform Party certification can only be made on the basis of action taken at the Convention held by delegates credentialed by the Committee Chaired by Dot Drew.

42. In my opinion, the August 8, 2000, meeting chaired by Gerry Moan, was a culmination of the ongoing efforts by certain national officers, the Buchanan Brigade, and the law firm of Cooter, Mangold, et al, in collusion with others, to take control of the Reform Party USA by any means necessary so they could control the agenda and delegate seating at the August 10, 2000 National

Nominating Convention. This would ensure that Patrick J. Buchanan would achieve the following objectives:

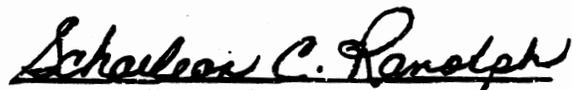
- 1) Patrick J. Buchanan would be the Reform Party Presidential Candidate thereby receiving approximately \$12.6 in public funds from the FEC;
- 2) The Buchanan Reform organization, lead by Angela Bay Buchanan, would replace and control the Reform Party USA pushing out long-time Reformers and their goals for their party;
- 3) Buchanan Reform would acquire the assets of the Reform Party USA estimated to be in excess of \$1 Million including the Nominating Convention funds in the 2000 Convention Committee bank account; and
- 4) The principles of the Reform Party USA would be overshadowed by the social issues set by the right-wing political agenda of Patrick J. Buchanan.

  
Sue Harris DeBauche

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY/AT LARGE

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SWORN TO and SUBSCRIBED before me by Sue Harris DeBauche on August 28<sup>th</sup>, 2000.

  
Notary Public in and  
for the Commonwealth of Virginia

AFFIDAVIT OF FRANK M. MACKAY

Frank M. MacKay, is a member of the State of New York's delegation of the Reform Party USA, upon his oath states that he is over 21 years of age, is competent to make this affidavit, and same is made upon his personal knowledge, and he further deposes and says as follows:

1. My name is Frank M. MacKay. I am a resident of Suffolk County, Long Island, New York.
2. I am New York State Chairman of the Independence Party of New York and was elected to this position on February 4, 2000.
3. The Independence Party of New York is the New York affiliate of the Reform Party of the United States. I attended the National Committee meeting of the Reform Party, called for August 8, 2000 in Long Beach California, as one of two New York State members to the National Committee. The third National Committee member from New York was unable to attend. I was also a delegate of the Independence Party to the Reform Party Convention held in Long Beach from August 10 through 13, 2000.
4. At the National Committee meeting I witnessed the attempt to hold the meeting in violation of the rules of the Reform Party of the United States Constitution. The parliamentarian ruled that the Constitution required that a quorum of the National Committee consist of a majority of the unchallenged National Committee members and that only unchallenged members could vote on the resolution of the credentialing issues concerning challenged members. In spite of these rulings and the clear language of the Constitution, the Acting Chair of the Meeting, Mr. Gerry Moan, attempted to conduct the meeting with challenged and unchallenged members constituting the quorum and with challenged members participating in voting on resolving challenges to the seating of members. In light of this improper attempt to convene the meeting in violation of party rules I joined the National Secretary, Mr. James Mangia, and other unchallenged members of the National Committee in convening the meeting in another room.
5. Two days after the National Committee meeting I was present at the Buchanan Reform Convention during the credentialing of delegates. Mr. Moan was present while Mr. Reed chaired the process. The procedure adopted for credentialing delegates was that only the unchallenged delegates were allowed to vote on the seating of disputed delegates. This position is the exactly opposite to the rule adopted by Mr. Moan at the August 8th National Committee meeting.
6. As a result of the conflict that came to a head at the National Committee meeting, two credentialing committees were established, one chaired by Dot Drew who was aligned with Mr.

Mangia and one chaired by Frank Reed who was aligned with Mr. Moan. The New York delegation decided to appear before both.

7. The New York Delegation was credentialed without difficulty by Ms. Drew's committee. However, in the committee chaired by Mr. Reed objection was made to our participating the Buchanan Reform Convention because we could not guarantee that the New York Independence Party would place Mr. Buchanan on the Independence Party ballot line as its Presidential candidate. We explained to the committee that it was legally impossible for our delegation to give this guarantee.

8. Under New York election law the election of state committee members is held September 12, 2000. It is the people who are elected at this time who vote on placing a presidential candidate on the New York ballot. Thus, the delegation could not speak for this group. Moreover the Constitution of the Reform Party does not require of any delegation wishing to participate in the Convention this kind of guarantee. The committee recognized the improper nature of the objection to credentialing our delegation when it voted 3 to 1 in favor of credentialing, with 1 abstention.

9. At the Buchanan Convention the challenge to the New York delegate was renewed. In spite of the recommendation of Mr. Reed's credentialing committee that New York be seated because, under New York law and the Reform Party Constitution, we could not be required to guarantee that Buchanan would be the nominee of the Independence Party, the convention voted to not seat our delegation. The basis for this vote was that New York could not guarantee that it would nominate Buchanan in New York if he was nominated by the Buchanan convention.

  
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Frank M. Mackay

STATE OF NEW YORK §  
§  
COUNTY OF SUFFOLK §

Sworn and subscribed before me this 18<sup>th</sup> day of August, 2000.

*William Bogardt*  
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Notary Public

My commission expires:  
July 19 2001

WILLIAM BOGARDT  
NOTARY PUBLIC, State of New York  
No 01806027887  
Qualified in Suffolk County  
Commission Expires July 19, 2001

## AFFIDAVIT OF JAMES MANGIA

James Mangia, National Party Chair of the Reform Party of the United States of America, upon his oath states that he is over 21 years of age, is competent to make this affidavit, and same is made upon his personal knowledge and/or information and belief, and he further deposes and says as follows:

1. I was a founding member of the Reform Party USA and have been the National Secretary since the party was formed in October 1995 and continued in this office until August 8, 2000, at which time I was elected Interim National Party Chair by the National Committee of the Reform Party. On August 12, 2000, I was elected National Party Chair of the Reform Party of the United States of America, by a unanimous vote of the National Convention.
2. As National Secretary my responsibilities under the Constitution of the Reform Party USA were to have custody of all records and rules adopted by the party; attend all meetings and record the proceedings of such meetings, including the action taken at meetings of the Executive Committee, the National Committee and the National Convention, and perform other duties as may be assigned by the Executive Committee of the Party. Under the Constitution I was also an ex officio member of the Executive Committee. The Constitution provides that the Executive Committee shall conduct the day to day business and affairs of the Reform Party, between meetings of the National Committee and, among other functions, take all actions necessary or appropriate to carry out the provisions of the Constitution and prescribe proper directives and actions for the National Officers.<sup>1</sup> (Constitution Art. 5, section 1; Art. 8, section 8)
3. In 1995, I was the California leader of the Patriot Party and was asked by Russ Verney to help the Reform Party get ballot access in California. Ross Perot had just announced his presidential candidacy and intention to form a third party, but didn't have enough signatures to get on the ballot. I convinced 8,500 Patriot Party members to re-register as Reform Party members, and collected an additional 4,500 signatures to complete the ballot access requirements, getting the Reform Party on the ballot in California.
4. As a result of this, I was made secretary for the California Reform Party in 1995. In January 1997, at the national Reform Party's founding meeting at the Nashville convention, was elected interim secretary of the Reform Party USA. I have been re-elected twice for two year terms, first at the Founding Convention in Kansas City in November 1997, and again in Dearborn, Michigan in July 1999.
5. In the fall of 1999, Pat Buchanan announced his Reform Party candidacy at a press conference.

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<sup>1</sup> See a true and correct copy of the Constitution of the Reform Party of the United States of America, attached hereto as Exhibit "A" and incorporated herein for all purposes.

6. On February 12, 2000, at the Nashville, Tennessee Reform Party convention, I was being pressured by new state delegates, supportive of Pat Buchanan, to handle the credentialing differently than we had done before and differently than what I thought the Constitution dictates. I insisted that the voting be fair and even-handed.
7. On July 5, 2000, the ballot request process for the Reform Party Presidential Nomination national primary began. The primary ballot listed John Hagelin and Pat Buchanan as the only two candidates.
8. Under rules adopted at the 1999 Reform Party Convention, this process enabled three categories of voters to receive ballots and vote in the primary: 1) Registered Reform Party members; 2) Registered voters who signed petitions to get the candidate on the state ballots; and 3) Registered voters who specifically presented to the candidates signed, written requests to receive a ballot.<sup>2</sup>
9. By mid-July, I began to get information that there may be some impropriety in the ballot request process. I started to get phone calls and e-mails from people asking why they got ballots without requesting them. I contacted many of those people directly, and have statements from many of them stating that they never requested ballots, but received them nonetheless.<sup>3</sup>
10. On July 29, 2000, Maureen McKenzie, with the League of Republican Woman Voters, told me that she received a ballot in the mail, but had not requested it and had never had any contact with the Reform party. She told me that she did recall, however, that she had attended a Buchanan Republican fund-raising barbeque and her name and address would have been on that list.
11. Based upon this information similar information gathered by others of improper ballot request submissions the Executive Committee and Presidential Nominations Committee ordered the candidates to submit to a verification that their ballot request submission complied with the Reform Party rules. John Hagelin's campaign fully complied with this request. Pat Buchanan refused to comply.

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<sup>2</sup>See a true and correct copy of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice President of the United States, attached hereto as Exhibit "B" and incorporated herein for all purposes.

<sup>3</sup>See a true and correct copy Hagelin 2000 Campaign's Letter of Appeal, with all attachments thereto, attached hereto as Exhibit "C" and incorporated herein for all purposes.

12. On July 29, 2000 the Executive Committee voted 7 to 0, with three members absent, to disqualify Mr. Buchanan from the primary vote because of his refusal to allow the party to verify his ballot request submissions.<sup>4</sup>
13. The National Convention for the year 2000 had been called for August 10, 2000 in Long Beach, California. A National Committee meeting had been called for the end of the Convention. Notice of these meetings were sent out many months prior to the meeting date. In July the Executive Committee received requests from in excess of 25% of the members of the National Committee to call a meeting of the National Committee for August 8, 2000. The Executive Committee expressed grave concern that this quickly scheduled meeting would inconvenience many National Committee members because they had already made travel arrangements to attend the post convention meeting. Nevertheless, under the Constitution, 25% of the National Committee members may call a meeting and thus the Executive Committee sent out meeting notices for the August 8, 2000 meeting in Long Beach, California.
14. On January 18, 2000 the Executive Committee passed a resolution stating that under the Reform Party Constitution the credentialing/registering of delegates to the Executive Committee of the Reform Party was the sole responsibility of the Party's National Secretary. Gerry Moan, the acting Party Chair, voted in support of that resolution at that meeting.
15. Prior to the August 8, 2000 National Committee meeting the Executive Committee learned that it would not be able to rent a room in the Westin Hotel for the meeting because Pat Buchanan's campaign had contracted for a meeting room and stipulated in the contract that the Hotel could not rent rooms for political purposes without the Buchanan campaign's consent. The Executive Committee sought to have control of the room transferred to the Reform Party but the transfer was refused by the Buchanan campaign.
16. At the August, 2000 National Committee meeting I was present in my capacity as National Secretary and was prepared to present a report on the credentialing of National Committee members.<sup>6</sup> In the four prior meetings of the National Committee the standard practice was

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<sup>4</sup>See a true and correct copy of the Minutes and Resolutions of the Executive Committee Meeting, of July 29, 2000, attached hereto as Exhibit "D" and incorporated herein for all purposes.

<sup>5</sup>See a true and correct copy of the Executive Committee's Minutes of January 18, 2000, attached hereto as Exhibit "E" and incorporated herein for all purposes.

<sup>6</sup>See a true and correct copy of the transcript of the Reform Party National Committee Meeting of August 8, 2000 chaired by Gerald M. Moan, p. 5, attached hereto as Exhibit "F" and incorporated herein for all purposes; see also a true and correct copy of the Reform Party's listing of National Committee Members, and caveat thereto regarding credentialing, attached hereto as

for me to present the list of unchallenged committee members and challenged committee members. In those meetings, the procedure was for the unchallenged committee members to vote on the resolution of challenged members. Challenged members did not vote until they were seated.

17. The atmosphere in the meeting room at the Westin Hotel on August 8, 2000 was chaotic and tense. There was only one microphone. The seats around the microphone were occupied by men who would continually stand up and take the mike ahead of anyone else approaching the microphone from another part of the room. No press or the public were allowed in the room by Mr. Moan and his security forces in spite of a prior Executive Committee resolution authorizing the presence of press and the public. All prior meetings of the National Committee had been opened to the press and public.
18. A parliamentarian had been retained by me to make rulings on parliamentary issues. She was a professional parliamentarian and a member of the National Association of Parliamentarians.
19. Gerry Moan the Vice Chair presided over the meeting. The former National Chair had resigned months prior to this meeting and Mr. Moan acted as Chair in his capacity Vice-Chair. Under the Constitution the National Committee members consists of three representatives from each recognized state Reform Party, chosen according to the state party's rules, and the members of the Executive Committee.
20. Mr. Moan first tried to limit the National Committee members to those who had been selected by the state reform parties prior to August 1, 2000. There is no deadline for the state parties to select National Committee members in the Constitution, and none had ever been imposed before in prior National Committee meetings. The parliamentarian ruled that under the Constitution it was not proper to prevent the seating of members to the National Committee because their names were submitted by state parties after August 1, 2000.<sup>7</sup> Mr. Moan said that the parliamentarian's opinion was not binding on him and refused to follow it.<sup>8</sup> The people in the room, which contained all the challenged National Committee members and unchallenged members and the Executive Committee, protested the chair's failure to follow the parliamentarian's ruling, but improperly were ruled out of order by the chair.<sup>9</sup>

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Exhibit "G" and incorporated herein for all purposes.

<sup>7</sup>See Exhibit "F" p. 5, l. 20; p. 16, l. 3; p. 18, l. 4-5; p. 18, l. 8-11; p. 18, l. 23-24.

<sup>8</sup>See Exhibit "F" p. 20, l. 2-8.

<sup>9</sup>See Exhibit "F" p. 21, l. 17-24

they were physically assaulted at that time. This relocation of the National Committee Meeting to the Renaissance Hotel was ratified by a vote of the National Committee at the new location.<sup>16</sup>

26. Upon reconvening in an alternate location at the Renaissance Hotel, Long Beach California, the number of uncontested National Committee members was 22. Before we were forced to walk out of the National Committee meeting and reconvene, there were 40 unchallenged National Committee members. 22 National Committee members left with us and reconvened at the Renaissance Hotel and 18 of those uncontested members remained at the Buchanan meeting. According to the Parliamentarian, this was sufficient quorum for the National Committee meeting to begin and also signified that the previous meeting at the Westin Hotel, Long Beach, California, was now operating without a quorum.<sup>17</sup> As well, 8 out of the 10 currently constituted Executive Committee members reconvened with the majority of unchallenged National Committee members at the Renaissance Hotel, Long Beach, California.
27. The properly constituted meeting at the Renaissance Hotel took up the issue of settling challenges to the seating of members from other states, with only unchallenged members voting. Once a challenged member was seated they then voted with the unchallenged members. At the end of this process the membership totaled 89 members. This is more than one half of the total possible membership of the National Committee.
28. I was then elected interim National Party Chair to fill the vacancy left by the prior resignation of the National Chair. Article 8, section 7 of the Constitution authorizes the National Committee to temporarily fill vacancies until the National Convention fills the vacancy. The National Committee also elected an interim National Secretary, Dror Bar-Sadeh.
29. The National Committee then properly passed resolutions affirming the disqualification of Patrick Buchanan for failing to permit the verification of his primary ballot submissions; affirmed the Executive Committee decisions concerning the credentialing committee for credential delegates to the August 10, 2000 National Convention, with Dot Drew as chair, and ratified all Executive Committee decisions for the prior two months.<sup>18</sup>

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<sup>16</sup>See a true and correct copy of the Resolutions of the National Committee, of August 8, 2000, attached hereto as Exhibit "H" and incorporated herein for all purposes.

<sup>17</sup>See Exhibit "F," p. 52, l. 22-23; p. 59, l. 22-25.

<sup>18</sup>See Exhibit "G."

30. The effects of the above facts on the Reform Party nomination process are clear. Only delegates credentialed by the credentialing committee chaired by Dot Drew can legitimately participate in the Reform Party 2000 National Convention.<sup>19</sup> Furthermore, unless that properly constituted Convention overrules the disqualification of Pat Buchanan, John Hagelin remains the only legitimate candidate for the Reform Party Presidential Nomination through the primary process, which is required by the resolution of the 1999 Convention and cannot be changed during the presidential election year, *i.e.*, in 2000.<sup>20</sup>
31. Any attempt by attendees of a Convention credentialed by a committee other than the Dot Drew-Chaired Committee will be illegal under the Reform Party Constitution. Pat Buchanan has publicly announced that he will not participate in the Dot Drew credentialing committee and the National Convention arising out of that process.<sup>21</sup> Thus, any certification of Mr. Buchanan as a Presidential Candidate of the Reform Party by any other convention will be an illegal certification since it will not be a certification of the Reform Party.<sup>22</sup> Such Reform Party certification can only be made on the basis of action taken at the Convention held by delegates credentialed by the Committee Chaired by Dot Drew.
32. On Wednesday August 9, 2000, we held a press conference to reveal what had happened with regards to the national committee meeting, since the media had not been allowed in to the Buchanan meeting at the Westin. After the press conference we proceeded to the Long Beach Convention Center to participate in the credentialing process. When we arrived, we were told that Dot Drew, the legally recognized Credentials Committee Chair, was not being allowed to conduct the meeting and was being threatened to be physically removed from the credentialing room. I entered the credentialing room where Dot Drew and the committee were.
33. Soon afterwards, Buchanan supporters began gathering around the entrance to the room and were shouting threats. I exited the room and Reform Party members convened a spontaneous rally in the Convention Hall calling for "democracy." I led the rally along with a majority of members of the Executive Committee, and while speaking from steps next to the credentialing room, was physically accosted by a number of Buchanan supporters. Each side

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<sup>19</sup>See a true and correct copy of the Rules for Credentialing to the 2000 National Reform Party Convention, attached hereto as Exhibit "I" and incorporation herein for all purposes.

<sup>20</sup>See Exhibit "B."

<sup>21</sup>See a true and correct copy of the Affidavit of Frank M. MacKay, attached hereto as Exhibit "J," and incorporated herein for all purposes.

<sup>22</sup>See a true and correct copy of National Convention Resolution of August 12, 2000, attached hereto as Exhibit "K" and incorporated herein for all purposes.

was chanting different slogans. The Buchanan supporters were yelling, "go Pat go." The Reform Party members were yelling: "Reform."

34. At this point, Dot Drew was prevented from continuing the credentials committee meeting at the Convention Hall, and she was forced to convene her committee at the Performing Arts Center.<sup>23</sup> The competing rallies broke up without further incident.
35. Dot Drew continued with the Credentialing Process way into the night to ensure that all delegates were properly credentialed. At the Buchanan credentialing process, led by Frank Reed, most of those who refused to admit their unqualified support for Buchanan were not credentialed and were turned away.<sup>24</sup>
36. All day, August 9, 2000, the Executive Committee, myself included, met with former Acting Chairman, Gerry Moan, to attempt to work out a compromise. The meeting was facilitated by Michael Farris, Chairman of the Reform Party's presidential nominations committee and Judy Duffy, Coordinator of the Reform Party 2000 Convention Committee. The negotiations, which proceeded most of the day, broke down when Dale Cooter, Attorney, who had been consistently threatening the Executive Committee, and myself, with lawsuits on behalf of the Buchanan campaign (though he was supposed to be the party's lawyer) entered the room. Thereafter, he and Mr. Moan left the room.
37. On the evening of August 9, 2000, we were sent word that we would physically not be allowed in the Convention Hall if we were not supporters of Pat Buchanan. At this time, we decided to sign a contract with the Long Beach Convention Center for the Performing Arts Center, in Long Beach, California to convene a legal convention for the Reform Party, should the Buchanan forces lock us out of our own convention at the Convention Center.
38. On Thursday, August 10, 2000 we convened a meeting of the 250 Reform Party delegates and dozens of supporters of John Hagelin at the Renaissance Hotel, Long Beach, California so that we could all go to the Convention together (given the constant threats and actuality of physical violence the previous two days). At 10:00 a.m., the time the Convention was scheduled to convene, more than 300 people walked together to the Long Beach Convention Center.
39. We entered the Convention Hall and proceeded up the escalators to the Hall entrance. We were confronted with security personnel who would not allow us to enter the Convention Hall. We were told we would not be allowed to enter. No reason was given.

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<sup>23</sup>See Exhibit "J."

<sup>24</sup>See Exhibit "J."

40. Our group waited patiently to be granted access to the Convention. When it became clear that we would not be allowed to enter the Convention Hall to participate in the Convention, we turned around and walked together (300 strong) around the corner to the Long Beach Performing Arts Center to convene the legal Reform Party National Nominating Convention.
41. As Interim National Chairman, I called the Convention to order at about 12 noon August 10, 2000. Within a couple of hours the hall had filled to capacity, with more than 1,000 in attendance. Many Reform Party delegates, as they began to hear what had happened and the Buchanan attempt to steal the Convention, had left the Convention Hall and joined us at the Performing Arts Center around the corner.
42. We began to conduct Reform Party business, beginning with the credentialing committee report from Dot Drew. This took a couple of hours, since the process had been so thorough and in line with the rules of the Reform Party, and the precedent set over the last four national conventions. Dot Drew had been the credentials committee chair from the founding of the Reform Party and at our first National Convention held in Kansas City, Missouri in 1997. We conducted the Reform Party's business throughout the day.
43. On Friday, August 11, 2000, we reconvened at 9:00 a.m. and began conducting party business. Credentialing updates were occurring throughout the day as more delegates left the Buchanan convention and attended the legal Reform Party Convention at the Long Beach Performing Arts Center. At one point, more than 50 delegates showed up at the same time, as the whole New York delegation, had been "de-credentialized" at the Buchanan convention for failing to unqualifiedly pledge their support to Buchanan. These delegates were joined by a significant number of delegates from California, Washington and Pennsylvania, who left in protest against this illegal action by the Buchanan Convention. The New York State delegates had been elected under New York State Election Law. Every single delegate was "de-credentialized" by the Buchanan convention simply because they didn't support Buchanan for President.<sup>25</sup>
44. On August 11, 2000, the National Convention approved resolutions reaffirming the disqualification of Pat Buchanan from the Reform Party presidential primary and nominations process, because of the fraud he committed by submitting over 500,000 Republican Party donors to receive Reform Party ballots.
45. I was contacted by Michael Farris, Chairman of the Presidential Nominations Committee that he wanted to read the results of the primary at the "real" Reform Party Convention, (the one chaired by myself at the Long Beach Performing Arts Center). Shortly thereafter, the Buchanan Convention voted to "rescind" the vote of the popular national primary, before the results were announced and decided not to count the ballots. This act was a direct violation

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<sup>25</sup>See Exhibit "J"

- of the rules of the Reform Party Constitution and the Presidential Nominating Rules approved by two consecutive national conventions.
46. Mr. Farris reported on the results of the presidential primary with EBallot.com, the company we had subcontracted with to conduct the primary. When Mr. Farris read the results (which were also posted on a screen on the stage) it became clear that without the fraudulent ballots submitted by Buchanan, John Hagelin would have won the primary by a wide margin. More than 60% of all ballots were from the illegal list of Republican Party donors submitted by Buchanan.
  47. Following Mr. Farris' presentation of the Primary vote, he responded to questions from the Convention floor and discussed the "dirty tricks" that the Buchanan campaign had perpetrated against the presidential nominations process.
  48. The National Convention voted unanimously to confirm John Hagelin as the presidential nominee of the Reform Party of the United States of America. Thereafter, Mr. Hagelin gave his acceptance speech.
  49. On Saturday, August 12, 2000, I was elected by unanimous National Convention vote, to fill the vacancy of National Chairman of the Reform Party of the United States of America. Sue Harris DeBauche, a founding member of the Reform Party from Virginia, was elected Vice-Chair. Dror Bar-Sadeh, a founding member of the Reform Party from North Carolina was elected Secretary. Harry Kresky, a longtime member of the Reform Party-affiliate in New York (the Independence Party) which had been illegally "de-credentialized" by the Buchanan convention, was elected Treasurer.
  50. Following the officer elections, nominations were presented for Vice President of the United States. Nat Goldhaber, Lenora Fulani, Charles Collins and others were nominated from the floor. A democratic vote of the delegates was taken, and Nat Goldhaber was elected by a majority vote to be the Reform Party Vice Presidential Nominee.<sup>26</sup>

  
James Mangia

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<sup>26</sup>See Exhibit "K"

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

1000000000

Sworn and subscribed before me this 28<sup>th</sup> day of August, 2000.

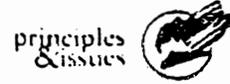


Tatiana Janashvili  
Notary Public

My commission expires:

03-27-04

A



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constitution

**ARTICLE I**

**Name**

- The name of this Party shall be the Reform Party of the United States of America.

constitution

This constitution, passed November 2, 1997, was established in the Reform Party National Founding Convention in Kansas City, Missouri.

**ARTICLE II**

**Object**

The Object of the Reform Party shall be to:

- a) Establish and operate as a major national political party composed of affiliated State Party Organizations from each state;
- b) Nominate and endorse candidates for President of the United States and for Vice President of the United States;
- c) Assist in the election of such candidates;
- d) Assist State Party Organizations in the election of their candidates and voter education;
- e) Develop and promote the enactment of legislation and policies consistent with the Reform Party Principles;

**Revisions:**

Oct 11, 1998 in Atlanta, GA  
July 23, 1999 in Dearborn, MI.

**Article**

- 1. Name
- 2. Object
- 3. National Convention
- 4. National Committee
- 5. Executive Committee
- 6. Standing Committee General Provisions
- 7. Special Committees and Sub-Committees
- 8. National Officer General Provisions
- 9. State Party Organizations
- 10. General Provisions
- 11. Bylaws
- 12. Parliamentary Authority
- 13. Amendments

**ARTICLE III National Convention**

- **Section 1.** There shall be a National Convention. The first session of the National Convention shall be designated as "The Inaugural National Convention of the Reform Party of the United States of America" and shall be further designated by the date or dates of such session, and by the location of such session. Each subsequent session of the National Convention shall be similarly titled and designated, except that such session shall be consecutively enumerated.
- **Section 2.** The National Convention shall be responsible for the governance of the Reform Party, and for providing for the fulfillment of the Object of the Reform Party.
- **Section 3.** The National Convention shall be composed of the following Delegates:
  - a) The Executive Committee
  - b) Three Statewide Delegates from each State Party Organization
  - c) One Delegate from each U.S. Congressional District.
- **Section 4.** Qualifications for a person to be eligible to be a Delegate shall be such that each Delegate shall:
  - a) be a member of their State Party Organization and a resident of the U.S. Congressional District and/or state for which he or she is a Delegate.
  - b) be elected as provided in the Rules of their State Party Organization.
  - c) not be required to pay a personal assessment or fee as a condition of serving as a Delegate.
  - d) be registered with the Executive Committee. No person shall be deemed to be a Delegate, who is not so registered..

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- Section 5. State Party Organization rules pertaining to Delegate qualifications, eligibility, election or appointment, term of office, conditions of continuing service, removal from office, vacancies, duties, powers, subjection, participation, and voting rights, shall be observed; unless such rules are in conflict with this Constitution, or other provisions adopted pursuant to provisions of this Constitution; including the provisions of the Bylaws, the Resolutions and actions of the National Convention, and such provisions as may be specified in the Standing Rules of the National Convention.
  - a) In the event such State Party Organization rules do not so pertain, a State Party Organization shall carry out such measures as may be required by: the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
  - b) In the event such State Party Organization rules do so conflict, a State Party Organization shall carry out such measures as may be required by the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
- Section 6. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Delegate.
- Section 7. The removal of a Delegate shall be such that:
  - a) Any Delegate may be removed by three-quarters vote of the registered Delegates of the National Convention. The seat of a Delegate so removed shall automatically and immediately become vacant upon such removal.
  - b) Any Delegate may be removed in accordance with the Rules of the applicable State Party Organization, except for a person who is a Delegate as a result of being an Elected National Party Officer.
- Section 8. Each State Party Organization may send Alternate Delegates in accordance with their State Party Organization Rules. Each Alternate Delegate must meet all the qualifications of a Delegate, shall reside in the same political district as the Delegate they replace, and shall have no voting rights until re-registered as a Delegate.
- Section 9. The National Convention shall:
  - a) be the supreme governing body of the Reform Party at the national level, subject only to the provisions of this Constitution and the provisions of the Bylaws.
  - b) have all power and authority over the affairs of the Reform Party, subject only to the provisions of this Constitution and to the provisions of the Bylaws.
  - c) have the exclusive power to grant Official Recognition to State Party Organizations. Official Recognition of a State Party Organization shall be granted by majority vote of the registered Delegates.
  - d) receive reports from the National Officers and Committees.
  - e) adopt a national Reform Party platform by two-thirds vote of the registered Delegates.
  - f) adopt a national Statement of Principles by two-thirds vote of the registered Delegates. This same requirement shall apply to amendments, additions or revisions to the Statement of Principles.
  - g) in appropriate years, provide rules and procedures for the nomination and endorsement of candidates for the office of President and Vice President of the United States, or no endorsement, such procedures shall, to the extent possible, provide for the popular selection by Reform Party members.
  - h) act upon such other matters as the National Convention deems appropriate, subject to the provisions of this Constitution and the provisions of the Bylaws.
- Section 10. Sessions of the National Convention shall be such that:
  - a) Previous notice of each session of the National Convention shall be given in writing, by means of a Call to National Convention. Such a Call to National Convention shall:
    - (1) be mailed to each affiliated State Party Organization Chair and all known elected Delegates and Alternates, not more than ninety days and not less than thirty five days, prior to the date of the first scheduled business meeting of the session being called,
    - (2) specify the date, hour, place and proposed agenda of the meeting,
    - (3) contain other such information as is provided in this Constitution, and such as may be provided in the Bylaws.
  - b) The quorum of a session of the National Convention shall be the majority of all registered Delegates.
  - c) The National Convention shall be called into session once each calendar year. Such session shall be scheduled and arranged, and a Call to National Convention shall be properly issued by the National Party Chair, upon two-thirds vote of the Executive Committee or majority vote of the National Committee, except in a case of emergency. In a case of

- emergency, the National Convention may be called into session as needed such that:
- (1) A case of emergency shall be deemed to exist upon such being officially declared by the Reform Party Chair, by a majority vote of the Executive Committee, or by majority vote of the National Committee.
  - (2) An official declaration of emergency shall in no way remove, alter, or have precedence over any of the provisions of this Constitution, or the provisions of the Bylaws.
- d) The determination, allocation, exercise and tally of Delegate votes shall be such that:
- (1) Only Delegates who have been properly registered and are in attendance at the time of the vote shall be eligible to vote. There shall be no proxy voting.
  - (2) No person shall hold more than one Delegate seat.
  - (3) Each Delegate shall have one and only one vote.
  - (4) No Delegate shall be required to cast a vote contrary to his or her preference.
- Section 11. Each Delegate shall report to the State Party Organization of which he or she is a member. The National Convention shall provide that the minutes and Resolutions of the National Convention be recorded in writing, be properly filed with Reform Party Executive Committee, be distributed to the Chairperson of each State Party Organization and be made available to the public

#### ARTICLE IV National Committee

- Section 1. The National Committee shall be responsible for the conducting of the business and affairs of the Reform Party between sessions of the National Convention. Such responsibilities shall include:
  - a) providing a procedure for the nomination of Reform Party National Officers.
  - b) the temporary filling of National Officer vacancies.
  - c) providing for the clear interpretation, proper application, and continuing pertinence of the Bylaws, and for the continuing integrity of the Bylaws with this Constitution and the Statement of Principles of the Reform Party.
  - d) formulating and promoting statements of public policy, which are consistent with the Reform Party Statement of Principles.
  - e) providing for the raising, budgeting, disbursing and accounting of the monies for the operation of the Reform Party in amounts sufficient to fulfill the Party Object, including setting the dollar amount and payment frequency of any dues, fees and assessments to be paid to the National Party by State Party Organizations.
  - f) providing for ongoing Reform Party public relations and voter education.
  - g) providing for the keeping, filing and archival storage of the official books, records and lists of the Reform Party.
  - h) assisting state Reform Party Organizations in the building of their State Party Organizations, election of their endorsed candidates and member education, and
  - i) all other actions appropriate or necessary to carry out the provisions of this Constitution and the Bylaws and carry on the successful operation of the Reform Party.
- Section 2. The National Committee shall be composed of:
  - a) the Executive Committee,
  - b) three statewide Delegates from each State Party Organization
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing membership on the National Committee.
- Section 4. A National Committee Member shall be subject to the provisions of this Constitution and the Rules of their State Party Organization except where the State Party Organization rules conflict with this Constitution or state election laws. The State Chair shall be responsible for registering the State Party Organization's National Committee Members with the Executive Committee.
- Section 5. Each National Committee Member shall have the duty to serve on at least one Reform Party Standing Committee or Special Committee.
- Section 6. The National Committee shall meet one or more times in each calendar year. A National Committee meeting shall be called by the National Chairperson or by action of one-fourth of all National Committee members. The National Committee may conduct a vote by mail on matters pertaining to the election and/or nominating of officers, the election of committee members, the filling of vacancies, the activation and dismissal of Special

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committee members, the filling of vacancies, the activation and dismissal of Special Committees, the issuance of a Call to National Convention, the approval or amendment of the Reform Party budget and the amendment of the Bylaws.

- Section 7. A quorum of the National Committee shall be a majority of the registered National Committee Members.
- Section 8. The National Committee shall report to the National Convention.
- Section 9. National Committee Members shall be elected, not appointed, democratically by their respective State membership at State Conventions, caucuses or whatever democratic process is available, provided that such elections are in compliance with and do not violate State Election laws.

## ARTICLE V Executive Committee

- Section 1. The Executive Committee shall be responsible for the conducting of the day to day business and affairs of the Reform Party, between meetings of the National Committee. The responsibilities of the Executive Committee shall include:
  - a) coordinating the efforts of the Standing Committees and the Special Committees so as to maximize efficiency, maximize resources, maximize effect and fulfill the object of the Reform Party.
  - b) providing for such organizational, administrative and financial support as the National Convention may require for its organization and operation,
  - c) providing for such organizational, administrative and financial resources as may be required to fulfill the Object of the Reform Party,
  - d) all actions appropriate or necessary to carry out the provisions of this Constitution, the Bylaws, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention, and
  - e) all actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 2. The Executive Committee shall be composed of the Reform Party USA Officers and seven regional representatives elected by the National Committee.
- Section 3. Regional Representatives to the Executive Committee shall be elected by the National Committee at the first meeting of the National Committee held in odd numbered years and shall serve for two years.
- Section 4. All Regional Representatives will be elected at meetings of the National Committee. Committee representatives from the states within the regions will caucus to elect one representative from each region. The regions are defined as:
  - a) Midwest Region - Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Minnesota
  - b) New England Region - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
  - c) Northeast Region - Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington D.C., West Virginia
  - d) Northwest Region - Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming
  - e) Pacific Region - Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington
  - f) Southeast Region - Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee
  - g) Southwest Region - Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas
  - h) The duties of each Regional Representative shall be:
    - (1) Be a Member of the Executive Committee;
    - (2) Be a conduit for informational flow between the State Party organizations in the respective Region and the Executive Committee;
    - (3) Provide all organizational help possible and practical to the State Party organizations in the respective Region when requested;
    - (4) Compile a list of qualified candidates for Committee Chairmen who have the ability, experience and knowledge for each Committee, for use by the National Chairman in making appointments.
    - (5) Compile a list of any special talents that have been identified within the state parties for

potential service to the national party committee.

- Section 5. A Regional Representative may be removed by a two-thirds vote of the registered Members of the National Committee in that particular Region.
- Section 6. In the event of a vacancy in the position of Regional Representative, such vacancy shall be filled by a simple majority vote of the registered Members of the National Committee in that particular Region.
- Section 7. The duties of the Executive Committee shall include:
  - a) maintaining and providing Delegate lists and National Committee Member lists,
  - b) maintaining and keeping all national books, records and lists of the Reform Party,
  - c) taking those actions appropriate and necessary to carry out the provisions of this Constitution, the Bylaws, and the proper directives of the National Committee and the National Convention, and
  - d) taking those actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 8. The Executive Committee shall meet as necessary to conduct the required business of the National Party. Executive Committee meetings may be called upon action of the National Party Chair or upon action of any three Executive Committee Members. The Executive Committee may conduct a vote by mail.
- Section 9. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service on the Executive Committee.
- Section 10. A quorum of the Executive Committee shall be a majority of the Executive Committee Members.

**ARTICLE VI Standing Committee General Provisions**

- Section 1. There shall be six Standing Committees of the National Committee. The six Standing Committees: Rules, Issues, Party Building, Finance, Public Relations and Communications.
- Section 2. The responsibilities of each Standing Committee shall be:
  - a) Rules  
The Rules Committee shall be responsible for: developing and proposing amendments to this Constitution; developing and proposing bylaws and other procedural rules, including amendments thereto, for the conduct of the national party; working with various State Party Organizations in development and adoption of their state party rules; other such duties as the Executive Committee may assign.
  - b) Issues  
The Issues Committee shall be responsible for: reviewing, developing and proposing platform and policy for adoption by the National Convention; developing and proposing amendments to the national party Statement of Principles; developing and implementing plans to educate voters regarding various issues; other such duties as the Executive Committee may assign.
  - c) Party Building  
The Party Building Committee shall be responsible for: developing and implementing strategies to build and maintain the party as a major national political party; working with the various State Party Organizations to build and maintain the party as a major political party within each state; other such duties as the Executive Committee may assign.
  - d) Finance  
The Finance Committee shall be responsible for: fundraising at the national level; developing and implementing budgets for national party operations; assisting the National Treasurer in the performance of assign duties; advising the various State Party Organizations regarding fundraising and other financial issues; other such duties as the Executive Committee may assign.
  - e) Public Relations  
The Public Relations Committee shall be responsible for: developing and implementing strategies for interfacing with the media and the public; developing media contacts nationwide; other such duties as the Executive Committee may assign.
  - f) Communications  
The Communications Committee shall be responsible for: developing and implementing plans to keep party members informed on various public and internal party issues; developing internal party communications links between the various committees and various State Party Organizations; other such duties as the Executive Committee may assign.

Organizations; other such duties as the Executive Committee may assign.

- Section 3. Each Standing Committee Chair shall be appointed by the National Chairperson. No person shall simultaneously hold more than one of the following positions: Standing Committee Chair, Standing Committee Vice Chair or National Officer. Standing Committee Chairs shall be subject to those provisions of this Constitution that apply to National Officers.
- Section 4. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service on a Standing Committee.
- Section 5. The members and any additional officers of each standing committee shall be appointed by the Chairperson of such Standing Committee. No more than one-fourth of the Members of a Standing Committee shall be members of the same State Party Organization.
- Section 6. Each Standing Committee shall be subject to the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 7. Each Standing Committee shall meet as necessary to conduct the required business of their Standing Committee. Standing Committee meetings may be called upon action of the Standing Committee Chair or upon action of one-fourth of the Standing Committee Members. Standing Committees may conduct business by mail, teleconference or other electronic media. Each Standing Committee may adopt such rules of operation as the Standing Committee Members deem necessary to conduct Committee business.
- Section 8. Each Standing Committee shall report to the Executive Committee. Each Standing Committee shall also report to the National Committee and to the National Convention.

## ARTICLE VII

### Special Committees and Sub-Committees

- Section 1. **Special Committees and Sub-Committees**
  - a) Special Committees may be established for specific purposes by action of the National Party Chair or by majority vote of the Executive Committee, National Committee or National Convention. The Chair of any Special Committee shall be appointed by the National Party Chair. Special Committees exist at the pleasure of the National Party Chair.
  - b) Sub-Committees to any existing Committee may be established for specific purposes by action of the parent Committee Chair. The Chair of any Sub-Committee shall be appointed by the parent Committee Chair. Sub-Committees exist at the pleasure of the parent Committee Chair.
  - c) The Members and any additional Officers of each Special Committee or Sub-Committee shall be appointed by the Chairperson of such Special Committee or Sub-Committee
- Section 2. The responsibilities of each Special Committee or Sub-Committee shall be stated when establishing the Special Committee or Sub-Committee.
- Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Member of any Special Committee or Sub-Committee.
- Section 4. Each Special Committee and Sub-Committee shall be subject to the Executive Committee, National Committee, the provisions of this Constitution, the provisions of the Bylaws and to the Resolutions and proper actions of the National Convention. Each Sub-Committee shall also be subject to its specific parent Committee.
- Section 5. A Special Committee or Sub-committee meeting shall be called upon the action of the Special Committee's or Sub-committee's Chairperson or upon the action of one-fourth of a Special Committee's or Sub-committee's members such as is provided in this Constitution and such as may be provided in the Bylaws. A Special Committee or Sub-committee may conduct a vote by mail such as is provided in this Constitution and such as may be provided in the Bylaws. Each Special Committee or Sub-committee may adopt such rules of operation as the Special Committee or Sub-committee Members deem necessary to conduct Committee business.
- Section 6. Each Special Committee shall report to the Executive Committee, the National

Section 6. Each Special Committee shall report to the Executive Committee, the National Committee, and to the National Convention provided that the Special Committee, so reporting, is properly directed to do so. Each Sub-Committee shall report to its specific parent Committee.

## ARTICLE VIII National Officer General Provisions

- Section 1. The National Officers shall be the Chair, the Vice Chair, the Secretary, and the Treasurer. There may be a National Executive Director of the Party, who shall not be an Officer or Member of any Committee.
- Section 2. The National Officers shall have the following responsibilities:
  - a) The National Party Chair shall preside over meetings of the Executive Committee, National Committee and National Convention and act on behalf of the Party to carry out the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution.
  - b) The National Party Vice Chair shall assist the National Party Chair in the operation of the Party and serve as National Party Chair in the absence of the National Party Chair.
  - c) The National Secretary shall: have custody of the official copy of this Constitution, the bylaws and any other rules adopted by the party; attend all meetings and record the proceedings of such meetings including, at a minimum, all actions taken by the Executive Committee, the National Committee and the National Convention; maintain the records (except financial) of the National Party; provide official notice of all meetings of the Executive Committee, the National Committee and the National Convention; perform other duties as may be assigned by the Executive Committee.
  - d) The National Treasurer shall: have custody of the Party funds and shall keep full and accurate records thereof in books belonging to the Party; deposit all monies and other valuable effects to the name and to the credit of the Party in such depositories as may be designated by the Executive Committee; prepare and file required federal reports; disburse funds in accordance with the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution; report on the financial status of the Party at each meeting of the Executive Committee, the National Committee and the National Convention.
- Section 3. Each National Officers shall be elected by majority vote of the registered Delegates at the National Convention. Each National Officer shall be elected by written ballot. National Officers shall be Party Members but need not be National Committee Members or National Committee Delegates to be eligible for election as a National Officer. Nominations shall be accepted from the floor when made by any registered Delegate. National Officer elections shall be held in each odd numbered year.
- Section 4. Each National Officer's term of office shall be two years. Each National Officer's term shall begin on the first day of January in each even numbered calendar year. No National Officer shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.
- Section 5. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service as a National Officer.
- Section 6. A National Officer may be removed by:
  - a) a two-thirds roll call vote of the registered Members of the National Committee, or
  - b) a majority vote of the registered Delegates of the National Convention.
- Section 7. National Officer vacancies shall be filled by majority vote of the registered Delegates of the National Convention. National Officer vacancies may be temporarily filled by majority vote of the registered Members of the National Committee. A person filling such vacancy must meet the qualifications for eligibility for election as a National Officer. Such a person, so elected, shall be seated until such time as the Office is filled by majority vote of the registered Delegates of the National Convention subject to the provisions of Section 3 of this Article.
- Section 8. The Reform Party Chairperson shall be ex-officio a member of all Reform Party committees except the Nominations Committee.

- Section 9. Each National Officer shall be subject to the proper directives and actions of the Executive Committee, the proper directives and actions of the National Committee, the provisions of this Constitution, the provisions of the Bylaws and the Resolutions and proper actions of the National Convention.
- Section 10. Each National Officer shall report to the Executive Committee, the National Committee, and the National Convention.
- Section 11. Upon resolution adopted by a majority of the registered Members of the National Committee authorizing the expenditure of such funds, the National Chair shall have the authority to name any Party Member to fill the position of National Executive Director upon confirmation by a majority vote of the Executive Committee.
  - a) The National Executive Director shall not be a Party Officer or Member of any Committee and shall report directly to the National Chair.
  - b) The National Executive Director shall be responsible, at the direction of the National Chair, for the day-to-day activities of the Party, subject to the provisions of this Constitution, the bylaws, the Resolutions and actions of the National Convention, and the proper directives of the National Committee and the Executive Committee.
  - c) The National Executive Director may be removed from the position by two-thirds vote of the Executive Committee.

## ARTICLE IX State Party Organizations

- Section 1. A State Party Organization shall be responsible for conducting all Reform Party state level business and affairs in its constituent state democratically and for providing for the successful operation of a major state political party which is in keeping with the Principles and Object of the Reform Party of the United States of America, the provisions of this Constitution and the provisions of the Bylaws. This major state political organization which is operated by the State Party Organization is not obligated to use the name of the national party.
- Section 2. Recognition shall be granted to no more than one State Party Organization in each state or territory of the United States of America.
- Section 3. A State Party Organization may be granted Official Recognition by a majority vote of the registered Delegates of the National Convention. A State Party Organization may be granted Provisional Recognition by a two-thirds vote of the registered Members of the National Committee.
- Section 4. Official Recognition of a State Party Organization shall continue until such time as such recognition is removed. Provisional Recognition of a State Party Organization shall continue until such time as such recognition is removed or until the next National Convention.
- Section 5. The conditions of continuing Official Recognition and the conditions of continuing Provisional Recognition shall be affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles.
- Section 6. Removal or Suspension of Official Recognition of a State Party Organization and removal or expiration of Provisional Recognition of a State Party Organization shall be such that:
  - a) Official Recognition of a State Party Organization may be removed by a two-thirds vote of the registered Delegates of the National Convention.
  - b) Official Recognition of a State Party Organization may be suspended by a two-thirds vote of the registered Delegates of the National Convention. Such suspension shall not exceed a period of six calendar months. Such suspension shall be imposed by means of a Resolution of the National Convention. Such a Resolution shall:
    - (1) specify the conditions under which the suspension shall be lifted,
    - (2) specify the end date of the suspension time period,
    - (3) specify the manner in which the fulfillment of such conditions shall be verified, and
    - (4) shall be subject to the provisions of this Constitution and subject to the provisions of the Bylaws.
  - c) The votes of National Committee Members and the votes of Delegates who are Members of a State Party Organization which is so suspended shall not be counted.
  - d) A State Party Organization which is so suspended and which fails to fulfill the conditions to lift such suspension shall automatically and immediately forfeit its Official Recognition upon

- the end date of such suspension.
- e) Provisional Recognition of a State Party Organization may be removed by majority vote of the registered Members of the National Committee.
- f) Provisional recognition of a State Party Organization shall automatically and immediately expire upon adjournment of the session of the National Convention which follows the date such Provisional Recognition was granted.
- Section 7. Each State Party Organization which has been granted Official Recognition or Provisional Recognition and each organization which requests Official Recognition or Provisional Recognition shall:
    - a) provide the Executive Committee with true, current and complete copies of its Constitution, Bylaws and/or Rules and copies of all legally required state and federal reports.
    - b) provide the Executive Committee with any such additional information the Executive Committee similarly requests of all State Party Organizations or organizations.
    - c) pay dues, fees and assessments such as is provided in this Constitution and such as may be provided in the Bylaws.
  - Section 8. A State Party Organization which has been granted Official Recognition or Provisional Recognition shall be eligible to receive all the Delegate seats which are available to be allocated to the State Party Organization so recognized. A State Party Organization and the members of such State Party Organization so recognized shall be eligible to participate without restriction in the national affairs of the Reform Party including all sessions of the National Convention and all national committees subject to the provisions of this Constitution, subject to the provisions of the Bylaws and Section 6 of this Article except that:
    - a) a Member of a State Party Organization which has been granted Provisional Recognition shall not be eligible to be elected as a National Officer.
    - b) each Delegate or National Committee Member of a State Party Organization which has been granted Provisional Recognition shall not be entitled to vote on questions pertaining to Official Recognition or Provisional Recognition of his or her own State Party Organization.
  - Section 9. State Party Organizations shall be subject to the laws of the State in which the State Party Organization is organized, the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the National Officers, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
  - Section 10. A State Party Organization shall, as a condition of continuing recognition, have no less than one-fourth of its registered Delegates in attendance at each session of the National Convention. A State Party Organization shall allow none of its National Committee seats to remain vacant for more than sixty days from the effective date of a written resignation, removal from position or second absence from a National Committee Meeting if such absences have not been excused by the Executive Committee.
  - Section 11. Individual Reform Party Member participation rights shall be such that:
    - a) In a state which has no State Party Organization such as is provided for in this Constitution, a person who identifies himself or herself as a Reform Party member shall have no Reform Party participatory rights except such rights as are accorded to any other citizen.
    - b) In a state which has an Officially Recognized or Provisionally Recognized State Party Organization, a person who identifies himself or herself as a Reform Party Member but does not also identify himself or herself as a member of his or her state's State Party Organization shall have no participatory rights except such rights as are accorded to any other citizen.
    - c) Citizens of states which have no State Party Organization who express an interest in establishing a State Party Organization in their state shall be listed by the Executive Committee. Such a list shall be provided to other similarly interested citizens of such state upon the request of such citizens until such time as a State Party Organization is established in such state.

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## ARTICLE X

### General Provisions

- Section 1. All financial reports and all budget reports, given or approved by any Reform Party Committee or any Reform Party Officer, shall be prepared in keeping with the Generally Accepted Accounting Principles as are established by the Financial Standards and Accounting Board.
- Section 2. No dues, fees, financial assessments, administrative fees, subscription fees or

member fees shall be implemented or required which are not specifically provided for in this Constitution or the Bylaws.

- Section 3. No Reform Party Officer shall be compensated for services rendered to the Reform Party except for reimbursement of legitimate personal expenses incurred in the performance of one's official Reform Party duties.
- Section 4. The minutes of all Reform Party meetings shall be available upon request.
- Section 5. There shall be no proxy voting or voting by proxy.
- Section 6. Definitions of certain words used in this Constitution shall be such that:
  - a) The words "Party" and "Reform Party" shall mean the Reform Party of the United States of America.
  - b) The words "Reform Party Member" and "Member" shall mean any person eligible to vote in the next election of the President of the United States who identifies himself or herself as a member of the recognized State Party Organization in his state of residence and meets such requirements as provided in the Rules of their State Party Organization.
  - c) The words "State Party Organization" shall mean an organized body of citizens which has been granted Official Recognition or Provisional Recognition such as is provided in this Constitution and such as may be provided in the Bylaws. The recognized Party Organization in the District of Columbia shall also be identified as a "State Party Organization" with one (1) Congressional District. U.S. Territories and Possessions establishing Party Organizations shall each, upon recognition, also be identified as a "State Party Organization" with one National Committee Member and one Congressional District Delegate for a total of two National Convention Delegates.
  - d) The words "mail", "by mail" or "mailed to" shall mean delivery of a written document or documents via the First Class Mail service of the United States Postal Service or delivery of written documents via a delivery service that is as reliable or more reliable and that is as fast or faster than that of the First Class Mail service of the United States Postal Service.
  - e) The words "vote by mail" shall include fax or other electronic means such as email provided the response can be reliably verified as originating from the qualified voting individual.
  - f) The words "proper" or "property" shall mean in keeping with all applicable provisions of this Constitution, in keeping with all applicable provisions of the Bylaws and in keeping with all applicable provisions of the rules of State Party Organizations.
  - g) The word "meeting" shall also include teleconferences, video conferences, computer conferences or other electronic means allowing for direct interaction by the qualified participants and for which official minutes are taken or a transcript is made documenting the participants and any actions taken.
- Section 7. No person shall hold any position provided for in this Constitution who is not a Member of a Recognized State Party Organization.
- Section 8. Honorary titles or positions may be conferred upon individuals by Resolution of the National Convention.
- Section 9. The publication and distribution of this Constitution and the Bylaws shall be such that:
  - a) This Constitution and the Bylaws shall be published and distributed in writing in the format and type style herein indicated or in other such formats and type styles as may be provided by proper action of the Executive Committee.
  - b) When distributed, the Bylaws shall be attached to this Constitution and this Constitution, the Bylaws and any amendments thereto shall be bound together in their entirety under a cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."
  - c) A title page and a table of contents for this Constitution and a title page and a table of contents for the Bylaws may be included under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America." Such title pages and such tables of contents shall not be deemed part of this Constitution and shall not be deemed part of the Bylaws. Such title pages shall indicate the effective dates of this Constitution, the Bylaws and any amendments thereto.
  - d) The pages of this Constitution, the pages of the Bylaws and the pages of any amendments thereto may be numbered. Such page numbering shall not be deemed as part of the text of this Constitution, the Bylaws or any amendments thereto.
  - e) Any amendments to this Constitution shall be attached to the final page of this Constitution and any amendments to the Bylaws shall be attached to the final page of the Bylaws until such time as the Executive Committee provides for the publication of this Constitution and/or

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the publication of the Bylaws as amended.

f) There shall be no introductory information, preface, reader's guide, letters by National Officers or any other such information pertaining to this Constitution and pertaining to the Bylaws distributed under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."

- Section 10. The provisions of this Constitution and the provisions of the Bylaws shall be deemed severable and separately enforceable. Should any Article, Section, sub-section or provision of this Constitution or of the Bylaws be invalidated or declared void, all other provisions of this Constitution and all other provisions of the Bylaws shall remain in full force and effect.
- Section 11. The interpretation, meaning and effect to be given the provisions of this Constitution and to be given the provisions of the Bylaws shall not be inconsistent with federal law.

**ARTICLE XI  
Bylaws**

- Section 1. There may be Reform Party Bylaws. The Bylaws shall be such that:
  - a) The provisions of the Bylaws shall be subject to the provisions of this Constitution. In a case such that a provision or provisions of the Bylaws are in conflict with a provision or provisions of this Constitution, the provision or provisions of this Constitution shall prevail and the provision or provisions of the Bylaws which so conflict shall be deemed null and void.
  - b) The Bylaws shall be consistent with the Principles and Object of the Reform Party and consistent with the provisions of this Constitution.
  - c) The Bylaws shall have Articles and Sections which are similar in form, number, title and topic to the Articles and Sections of this Constitution. The Bylaws may contain additional Articles and additional Sections to address topics not addressed in this Constitution.

resolutions

**ARTICLE XII  
Parliamentary Authority**

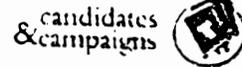
- The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern this convention in all cases to which they are applicable and are not inconsistent with any Rules, Bylaws, Constitution or resolutions adopted by the National Convention or National Committee.

**ARTICLE XIII  
Amendment**

- This Constitution may be amended by a two-thirds vote of the National Convention provided that thirty (30) days previous notice and a precise written copy of the motion to amend this Constitution, such motion may not be amended, is provided to each registered Delegate.

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**Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States**

Approved at the Atlanta Convention September 25 - 27, 1998  
Revision: July 23, 1999 Dearborn, MI.

**Section I. General Provisions and Definitions**

- Section 1. General Provisions and Definitions
  - Section 2. Authorized Committees
  - Section 3. Qualifying for the Reform Party Presidential Primary
  - Section 4. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee
  - Section 5. Selection of the Reform Party Vice-Presidential Nominee
  - Section 6. Appeals
- 
- Overview
  - History - F.A.Q.
  - Becoming a Candidate
  - General overview of ballot status

(1) These rules shall govern the selection process for the Reform Party of the United States in nominating its candidates for President and Vice-President of the United States to the extent that they are not inconsistent with the Constitution of the Reform Party of the United States.

(2) These rules may be amended under the following provisions:  
 (a) These rules may be amended by majority vote of the National Convention.  
 (b) These rules may be amended by two-thirds (2/3) vote of the National Committee.  
 (c) Notwithstanding provisions 1-(2)(a) and 1-(2)(b) above, these rules may not be amended in the presidential election year.

(3) For purposes of these rules, the following definitions shall be used:

(a) "Ballot access" shall mean that no substantial barriers exist for the Party to place the nominees of the Party for President and Vice-President of the United States on a given state's general election ballot.

(b) "Executive Committee" shall mean the Executive Committee of the Reform Party of the United States.

(c) "National Committee" shall mean the National Committee of the Reform Party of the United States. (d) "National Convention" shall mean the National Convention of the Reform Party of the United States.

(e) "Party" shall mean the Reform Party of the United States.

(f) "Presidential election year" shall mean the calendar year in which the November general election for President of the United States is held. (g) "Primary" shall mean the Reform Party Presidential Primary as described in Section IV of these rules.

(h) "Primary Candidate" shall mean a candidate who has qualified for the Reform Party Presidential Primary in accordance with Section III of these rules.

(i) "State Delegation" shall mean the Delegates of the National Convention from a given state that represent a State Party, as defined by 1-(3)(j).

(j) "State Party" shall mean an Affiliated State Party or an Affiliated State Party Organization recognized by the Reform Party of the United States in accordance with the Constitution of the Reform Party of the United States.

(4) The nominees of the Party for President and Vice-President of the United States shall be allowed to address the National Convention for forty-five (45) minutes each in order to accept their respective nominations.

(5) The Presidential Nominations Committee shall establish a common digital format for electronic data that will be used within the Reform Party Presidential Nomination Process. The Presidential Nominations Committee shall make this common digital format known no later than December 20 of the year immediately preceding the presidential election year.

(6) Each State Party shall submit to the Presidential Nominations Committee an electronic copy of the names and addresses of the registered voters who are members of the given State Party and voters contacting the State Party specifically requesting to participate in the Reform Party Presidential Primary. The electronic copies must be in the authorized common digital format as proscribed for in 1-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

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**Section II. Authorized Committees**

(1) Not later than July 1 of the year immediately preceding the presidential election year, the Executive Committee shall establish a Convention Committee to oversee the functions relating to the meeting of the National Convention in the presidential election year. The activities and decisions of the Convention Committee shall be reported to the Executive Committee.

(2) Not later than July 1 of the year immediately preceding the presidential election year, the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential election year in accordance with these rules. The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules. The activities and decisions of the Presidential Nominations Committee shall be reported to the Executive Committee. Changes in the membership and size of the Presidential Nominations Committee shall be by unanimous vote of the Presidential Nominations Committee.

(3) The officers of the Party shall be ex-officio members of the Convention Committee and the Presidential Nominations Committee.

(4) The Convention Committee and the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate.

(5) No individual may serve as a member of the Convention Committee or the Presidential Nominations Committee who publicly supports or opposes any individual or candidate for the nomination of the Party for President or Vice- President of the United States.

**Section III. Qualifying for the Reform Party Presidential Primary**

(1) The Executive Committee shall compile a list of states for which the Party does not have ballot access in the presidential election year. This list shall be made available no later than July 1 of the year immediately preceding the presidential election year. The Presidential Nominations Committee shall have the authority to remove a state from the list by unanimous vote.

(2) To qualify for the Primary, candidates shall be required to qualify for the ballot as an independent candidate for President of the United States in states contained in the list compiled in accordance with III-(1).

(3) In order for a candidate to be considered to have qualified for the ballot as an independent candidate for President under these rules, evidence must be provided to the Presidential Nominations Committee that the candidate has either:

- (a) been certified by a given state to have the candidate's name placed on the general election ballot as an independent candidate for President, or
- (b) fulfilled a significant portion of the requirements to have the candidate's name placed on the general election ballot as an independent candidate for President in states where the date for certification falls after July 1.

The Presidential Nominations Committee shall specify the exact requirements for each state which fall under III-(3)(b) no later than November 1 of the year immediately preceding the presidential election year and such requirements shall be approved by unanimous vote. If a unanimous vote is not achieved for such requirements, the requirements shall be set to zero.

(4) Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3). The electronic copies must be in the authorized common digital format as proscribed for in I-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

(5) A candidate is considered to have qualified for the Primary if the candidate has qualified for the ballot as an independent candidate for President in accordance with III-(3) in states which comprise at least a majority of electoral votes from all states contained in the list compiled in accordance with III-(1). The Presidential Nominations Committee shall announce the candidates who have qualified for the Primary on July 2 of the presidential election year.

(6) Two or more candidates may enter into a compact stating that if one candidate of the compact receives the nomination, the other candidates of the compact agree to substitute the name of the nominee on all ballot lines within the compact. The Presidential Nominations Committee shall have the authority to consider one candidate within the compact qualifying for the ballot in accordance

with III-(3) as all candidates within the compact qualifying for the ballot.

#### **Section IV. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee**

(1) The Reform Party Presidential Primary shall be held between July 4 of the presidential election year and the meeting of the National Convention in the presidential election year.

(2) A primary ballot shall be distributed to the following registered voters of the United States:

- (a) voters who are members of State Parties as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6).
- (b) voters signing petitions submitted by candidates in accordance with III-(4)
- (c) voters contacting the various State Parties specifically requesting to participate in the Reform Party Presidential Primary as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6). The Presidential Nominations Committee shall take such actions in order that no individual receives more than one primary ballot.

(3) Each candidate who is considered to have qualified for the Primary shall be considered a Primary Candidate.

(4) The names of the Primary Candidates on the primary ballot shall appear in a random order as determined by the Presidential Nominations Committee. The random determination of the order of the names shall be open and representatives for each Primary Candidate shall be allowed to observe.

(5) The primary ballot shall consist of:

- (a) the names of Primary Candidates in accordance with IV-(4)
- (b) columns labeled "First Choice", "Second Choice", and "Third Choice" next to each of the Primary Candidates' names
- (c) an identification number for the ballot

(1) The identification number shall be used within the Reform Party Presidential Nomination Process solely to determine the validity or invalidity of the cast ballot and to determine the state of residence of the voter casting the ballot.

(2) No efforts shall be made to use the identification numbers to identify or record how certain individuals voted within the Primary.

(6) The Presidential Nominations Committee shall construct the primary ballot in such a manner as to provide an efficient manner of tallying the votes cast in accordance with these rules.

(7) For a vote to be considered valid within the Primary, the vote must be received by the Presidential Nominations Committee:

- (a) prior to the start of the Reform Party National Convention, and
- (b) in person, by mail, by phone, or by internet in a manner proscribed by the Presidential Nominations Committee in accordance with these rules.

(8) Votes within the Primary shall be recorded as follows:

- (a) Primary votes cast with a valid identification number shall be recorded.
- (b) Primary votes cast without a valid identification number or with an invalid identification number shall not be recorded.
- (c) From the total number of recorded votes, the number of votes from each state shall be recorded.
- (d) Within the recording of votes from each state, the number of votes cast for each Primary Candidate as "First Choice" shall be recorded.
- (e) Within the recording of votes for each Primary Candidate as "First Choice", the number of votes cast for each Primary Candidate as "Second Choice" shall be recorded.
- (f) Within the recording of votes for each Primary Candidate as "Second Choice", the number of votes cast for each Primary Candidate as "Third Choice" shall be recorded.

(9) The votes cast for each Primary Candidate from a given state in a given round of voting shall be determined as follows:

- (a) In the first round of voting, each Primary Candidate shall receive all votes recorded for the given Primary Candidate as "First Choice".
- (b) If the current round of voting is a runoff round, the Primary Candidate receiving the lowest number of votes in the previous round is eliminated from the runoff.
- (c) In runoff rounds of voting, each remaining Primary Candidate shall receive all votes recorded for the given Primary Candidate as the highest choice among the remaining Primary Candidates. For purposes of this section, "First Choice" is considered a higher choice than "Second Choice" and "Third Choice", and "Second Choice" is considered a higher choice than "Third Choice".
- (d) All votes recorded in which none of the Primary Candidates in the current round of voting are

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selected as "choices" shall not be counted towards calculating the majority of the votes cast.

(10) Results of the Primary shall be announced during the Reform Party National Convention at a time set by the approved agenda of the Convention as follows unless the Primary is overridden in accordance with IV-(11):

(a) Representatives from each State Party shall announce from the floor of the Convention the number of primary votes cast from their state for each Primary Candidate as provided by the Presidential Nominations Committee in accordance with IV-(9). If a discrepancy arises between the number of votes announced and the number of votes cast by the Presidential Nominations Committee, the number of votes cast shall take precedence.

(b) If no Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that a runoff shall take place in accordance with these rules. The results of the next round of voting shall be announced as proscribed in IV-(9)(a) no earlier than thirty (30) minutes following the announcement of the runoff.

(c) If a Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the Primary Candidate receiving at least a majority of the votes cast in the Primary is the nominee of the Party for President of the United States.

(11) The process of selecting the nominee of the Party for President of the United States by the Primary shall be overridden only as provided for in this section.

(a) A motion to override the Primary shall be considered in order if either of the following conditions are met:

(1) the Secretary of the Party has received certified resolutions from the governing bodies of at least a majority of State Parties making such a motion to override.

(2) the Chair of the Convention has received resolutions from at least a majority of the State Delegations making such a motion to override. A motion to override the Primary shall be considered out of order if neither IV-(11)(a)(1) nor IV-(11)(a)(2) are met. A motion to override the Primary may not be reconsidered.

(b) The Primary shall be overridden if the motion to override is approved by a two-thirds (2/3) vote of the National Convention.

(c) If the Primary is overridden, the selection of the Party's nominee for President of the United States shall be conducted in accordance with the rules for selecting the Party's nominee for Vice-President of the United States.

(12) Each Primary Candidate shall be allowed to address the National Convention for a period not to exceed thirty (30) minutes.

(13) Each Primary Candidate shall be allowed to provide a photograph and a five-hundred (500) word statement for inclusion within the primary ballot. The photograph and statement shall be received by the Presidential Nominations Committee no later than July 1 of the presidential election year.

(14) In the case of a tie, the breaking of the tie shall be determined by the National Convention.

#### **Section V. Selection of the Reform Party Vice-Presidential Nominee**

(1) The selection of the Party's nominee for Vice-President of the United States shall be conducted during the Reform Party National Convention at a time no earlier than eight (8) hours following the nomination of the Party nominee's for President of the United States. The Party nominee's for Vice-President of the United States shall be selected by the National Convention.

(2) Nominations for Vice-President shall be taken on the floor from Delegates of the National Convention and shall require a second.

(3) In each round of voting, the Convention Chair shall call the roll of the states. Upon the announcement of a state, a Delegate from that state delegation shall announce the number of Delegate votes for each of the candidates for Vice-President.

(4) If no candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce a runoff. If a runoff is announced, the Vice-Presidential candidate with the lowest number of votes is removed from the next round of voting.

(5) If a candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the candidate receiving at least a majority of the votes cast is the nominee of the Party for Vice-President of the United States.

#### **Section VI. Appeals**

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(1) A candidate may appeal a decision of the Presidential Nominations Committee to the Executive Committee if five (5) members of the Executive Committee agree to hear such an appeal. If five (5) members of the Executive Committee do not agree to hear such an appeal within twenty (20) days of the initial presentation of the appeal, the appeal shall be considered rejected.

(2) Any appeal must be in writing and shall be limited to the contents of the appeal.

(3) Upon agreeing to hear an appeal, the Executive Committee shall take such necessary action to resolve any appeal which does not vioiate these rules, the Constitution of the Party, or federal law.

---

Minutes of Presidential Nominations Committee meeting . July 28, 2000



July 29, 2000

Executive Committee  
Reform Party of the United States of America

VIA email and fax

RE: Letter of Appeal

Dear Mr. Chairman and Members of the Executive Committee:

(Gerry Moan and Sue DeBauche, Lou Anne Jones, Tom McLaughlin, Jim Mangia, Anne Merd, Cedric Scofield, June Spink, Mick Summerhays, Paul Truax):

In light of evidence that has recently emerged, under Section VI of the Rules for the Selection of Reform Party of the United States Nominees for President (hereafter referred to as "the Rules"), the Hagelin campaign is appealing to the Executive Committee several resolutions of the Presidential Nominations Committee (hereafter also referred to as "the PNC"), requesting that the Executive Committee reverse these decisions.

Evidence

This appeal is based on the following evidence:

1. The Buchanan campaign fraudulently and intentionally submitted its campaign database for ballot mailing in clear violation of the Rules Section III (4) which stipulates that a candidate can only submit: "the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)." Evidence of this violation is shown by: a) phone calls to the Reform Party and Hagelin campaign and by signed affidavits by persons who did not request a ballot and who could not have received a ballot by any other means and who stated that they have contributed to the Buchanan campaign in the past; and b) by the large number of names submitted in states in which Buchanan did not circulate or submit ballot access petitions. A preponderance of the names came from states in which Buchanan, did however, run active Republican primary races such as Iowa and New Hampshire (See enclosures).
2. The Buchanan campaign further attempted to conceal this fraud by requiring a signed agreement which requested return of the submitted lists to the campaign immediately following the ballot mailing and prohibited the use of those lists "for any other purpose," thus attempting to prevent an audit of the lists.

PC Box 111  
 Reform Party of the United States  
 1000 ...  
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3. This secret agreement violates Federal Election law, which makes it a criminal offense for the administrators of a presidential primary election to not retain the records of the primary for a period of 21 months. It also makes it a crime for anyone to destroy such records before the expiration of the period. The private nature of the agreement and the fact that the Buchanan campaign did not bring this matter before any of the appropriate Committees shows intent on the part of the Buchanan campaign to violate this law.
4. The imposition of an illegal condition on the provision of their lists for ballot mailing prima facie invalidates the submission.
5. The Buchanan campaign failed to comply with the Executive Committee and Presidential Nominations Committee resolutions calling for an audit. Specifically, the campaign did not comply with the PNC requirement that they produce identical copies of their list and to provide backup materials by 5:00 pm Monday eastern time July 24, 2000. The letter from the Committee to the campaigns stated that "failure to comply with the directives of the Committee in this matter may be interpreted the Committee as acknowledgement that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary."
6. The Buchanan campaign obstructed the duly constituted authority of the Reform Party in not recognizing and cooperating with the Presidential Nominations Committee's authority to conduct such an audit or to create a subcommittee, despite the fact that the resolution passed by the PNC specifically cited the Committee's authority on both of these issues. The right of the PNC to conduct and audit is provided for in Section II (2) of the Rules which states: "... the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential elections year in accordance with these rules. The PNC shall have the authority to establish regulations and take such actions as are necessary to implement these rules." The authority to form a sub-committee is provided for in Article VII Section 1 b of the Constitution which states: "Sub-Committees to any existing Committees may be established for specific purposes by the parent Committee Chair." As such any claim that the PNC does not have the authority to conduct an audit is entirely without foundation. The ability to regulate the process in accordance with the rules obviously allows the committee to ensure compliance with the rules.

### Appeal

We hereby request in this appeal that the Executive Committee reverse the decisions of the Presidential Nominations Committee as they relate to the

resolutions below. Each of the points raised above, in and of itself, is sufficient to justify the reversal's of the following:

- 1) Resolution #1 introduced by Harry Kresky on July 28, 2000 calling for Buchanan's disqualification from the Reform Party nomination. This resolution was defeated 4 to 1.
- 2) Resolution #2 introduced by Mic Farris on July 28, 2000 calling for the Buchanan campaign to submit a sworn statement of the sources of their lists and to furnish the committee with backup materials. This resolution was defeated 2 to 3.
- 3) Amendment #1 introduced by Harry Kresky calling for e-ballot to not count any vote from persons who received a ballot solely as a result of being on Buchanan's list. This amendment was defeated 4 to 1.
- 4) Resolution of the PNC on or around July 1, 2000 qualifying Pat Buchanan for the Reform Party Primary ballot.

The minutes from the meeting with the exact resolutions follow.

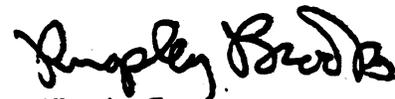
Additional Points for Consideration

The Hagelin campaign wishes to strongly protest the participation of Gerry Moan and Tom McLaughlin in the PNC meeting of July 28, 2000. Having failed to participate in all prior meetings, their sudden participation in this meeting for the purpose of blocking the audit process is a clearly political and partisan act, which may seem to indicate an intent to join in the obstructionist tactics of the Buchanan campaign and to prevent the party from protecting the integrity of the Primary process.

We respectfully request that you consider this appeal today in the Executive Committee meeting called for 2:00 pm central time in Dallas. In addition to the remedies we requested above, we ask that the Executive Committee provide any additional remedies it considers appropriate.

Sincerely,

  
Nadine Padawer  
Co-Campaign Manager

  
Kingsley Brooks  
Co-Campaign Manager

Cc: Nat Goldhaber  
Leonard Goldman  
John Hagelin  
Bob Roth  
Tom Stanley

Minutes of Presidential Nominations Committee meeting, July 28, 2000

Meeting called to order at 6:40 PM Pacific.

Michael Farris, Harry Kresky, Dave Goldman in attendance.  
Tom McLaughlin and Gerry Moan in attendance (ex-officio members of PNC)

Significant discussion regarding list submissions.

Kresky motion (below as Resolution #1) - Motion fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Farris motion (below as Resolution #2)

Kresky amendment to Farris motion (below as Amendment #A): Amendment fails, 1-4, (Farris, Goldman, Moan, McLaughlin opposed)

Vote on Farris motion: Motion fails, 2-3 (Goldman, Moan, McLaughlin opposed)

As a result, no actions were taken by the Committee.

Meeting adjourned at 8:35 PM Pacific.

(Resolution #1 - BEGIN)

**BACKGROUND**

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

**AUTHORITY**

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that: "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules."

Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

#### SCOPE OF SUBCOMMITTEE'S CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

#### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padawer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

In light of the above and in light of:

- (1) the failure of the Buchanan campaign to deny the charge that the list of over 400,000 it submitted to receive primary ballots consisted in whole or substantial part of the candidate's contributors and supporters who did not take the steps necessary to qualify as voters in the Reform Party presidential primary,
- (2) the existence of evidence that submission of the non-complying list was done knowingly and in a manner which suggests an attempt to conceal its true

nature, and

(3) the Buchanan campaign's manifest lack of respect for the integrity and authority of the RPUSA, its rules and its official bodies,

the appropriate remedy is that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

#### DIRECTIVES

Based on the above background, authority and findings, the Committee hereby directs that Patrick Buchanan be disqualified as a candidate for the RPUSA presidential nomination.

The Committee further directs that the work of the Subcommittee is suspended until such time as the Committee receives specific and credible charges concerning the validity of the list submitted by any other candidate for the for the RRUSA presidential nomination.

(Resolution #1 - END)

(Resolution #2 - BEGIN)

July 28, 2000

#### BACKGROUND

Concerns have been raised regarding the submission of lists from Primary Candidates for inclusion in the Reform Party Primary. In order to insure the integrity of the results of the Reform Party Primary, the Presidential Nominations Committee ("the Committee") found on July 18, 2000, that independent verification of these submissions from Primary Candidates was warranted. The Committee created the Primary List Subcommittee ("the Subcommittee") to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

#### AUTHORITY

Section II-(4) of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States ("the Rules") states that "... the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate."

Under this section, it was determined that the Committee had the authority to establish a subcommittee to review and verify the submissions of lists by Primary Candidates for inclusion in the Reform Party Primary. It was also determined that the subcommittee can be directed by the Committee to perform such actions that are not in conflict with the Rules.

Section II-(2) of the Rules states that "The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules."

Under this section, it was determined that the Committee had the authority to take such actions as are necessary to implement the Rules.

#### SCOPE OF SUBCOMMITTEES CHARTER

Section III-(4) of the Rules specifies what constitutes a valid submission of names and addresses for inclusion in the Primary from Candidates.

"Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3)."

These sections of the Rules identify two classes of registered voters that are eligible to participate in the Reform Party Primary through submissions from Candidates. The first is the class of registered voters that sign petitions to be included in the Primary and the second is the class of registered voters that sign petitions to qualify the Candidate for the ballot in accordance with Section III-(3).

#### RESULTS OF SUBCOMMITTEE ACTIVITIES

The Hagelin campaign has pledged complete and unconditional cooperation with the Subcommittee's activities; this is evidenced by a letter from Kingsley Brooks and Nadine Padewer dated July 20, 2000. This letter indicates that backup material, sufficient to verify that the list submitted to the Committee by the Hagelin campaign, will be made available to the Subcommittee upon request. Additionally, in a letter by Kingsley Brooks dated July 21, 2000, Nat Goldhaber was appointed as the Hagelin campaign's representative to the Subcommittee.

The response from the Buchanan campaign was less cooperative. In a letter from Bay Buchanan dated July 24, 2000, it was expressed that the Buchanan campaign did not recognize the authority of the Committee to establish the Subcommittee or any subcommittee for any purpose. Additionally, this letter expressed that the Buchanan campaign did not recognize the authority of the Committee to conduct such an investigation to verify that lists submitted by Candidates are valid submissions under the Rules.

Subsequent to this letter from the Buchanan campaign, a letter from Bay Buchanan dated July 26, 2000, stated that the Buchanan campaign would appoint Phil Alexander to the Subcommittee under protest. The statements from the Buchanan campaign regarding the recognition of the Committee's authority in this matter were not retracted.

The Subcommittee met via teleconference on July 26, 2000, with no results or actions.

#### FINDINGS OF THE COMMITTEE BASED UPON SUBCOMMITTEE ACTIVITIES

It is determined that the Hagelin campaign has sufficiently complied thus far with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Hagelin campaign.

It is determined that the Buchanan campaign has not sufficiently complied

with the directives of the Committee regarding the review and verification of the list submitted to the Committee by the Buchanan campaign. This is evidenced by the letter from the Buchanan campaign dated July 24, 2000, the refusal to produce identical copies of the lists submitted to the Committee, and the refusal to produce sufficient backup material, specifically in the form of signed petitions, for purposes of review and verification of the submitted list.

It is determined that the Buchanan campaign has shown and continues to show contempt for the regulatory authority of the Committee. This contempt is interpreted by the Committee as acknowledgement that the submitted list from the Buchanan campaign is not in compliance with the Rules as specifically stated in Section III-(4) of the Rules.

#### DIRECTIVES

Based upon the above background, authority, and findings, the Committee hereby directs the Buchanan campaign to provide to the Committee an affidavit stating the complete list of sources, including approximate numbers from differing sources, for the names that were contained in the list submitted to the Committee.

The Committee further directs that, upon demand of the Committee, the Buchanan campaign submit the materials necessary for a fair, impartial audit conducted under professional standards in order for the Subcommittee to complete the review and verification of the list submitted to the Committee by the Buchanan campaign.

(Resolution #2 - END)

(Amendment #A - BEGIN)

(Substitute for DIRECTIVES)

In light of the above, the Committee shall take such steps as are necessary so that persons who were sent ballots solely as a result of their names being on the list submitted by the Buchanan campaign shall not have their votes counted.

(Amendment #A - END)

DECLARATION

Darin

I, Darin Schneider, am a registered Republican in the state of Iowa.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

- 1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (1501 Grand Avenue, Emmetsburg, Iowa, 50536) and delivered by the United States Postal Service to said address.
- 2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party
- 3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the Internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or Pat Buchanan.
- 4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 29<sup>th</sup> day of July, 2000

At Emmetsburg, Iowa 12:15 PM

Signed Darin W. Schneider

DECLARATION

I, Thomas Ross, am a registered Republican in the state of California.

I have personal knowledge as to the facts stated in this declaration, and if called as a witness could and would testify as to those facts.

- 1. I received an official ballot to vote in the Reform Party primary election in mid July, 2000, addressed to me at my home address (4445 "B" Street, Sacramento, CA. 95819) and delivered by the United States Postal Service to said address.
- 2. I have never been a Reform Party member in any state. I have never donated to the Reform Party. I have never requested any information from the Reform Party.
- 3. I have never requested to take part in the Reform Party primary election, nor have I ever requested a Reform Party ballot that would enable me to do so. I have not requested a ballot on-line over the Internet. I have not verbally requested a ballot from any person or any organization. I have not requested a ballot through the U.S. mail. I have not signed any form requesting a ballot, nor have I signed any petition concerning the Reform Party or Pat Buchanan.
- 4. Whereas I have received a ballot to take part in the Reform Party primary election without requesting one, I wish to formally inform the appropriate officials of the Reform Party and any other interested parties.

I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters I am informed and believe that they are true.

I have read and understand the above declaration.

Executed this 23rd day of July, 2000

At Sacramento, CA

Signed Thomas Ross

# Evidence of Massive Election Fraud by Pat Buchanan

IN 10 STATES WHERE THERE WAS NO BALLOT ACCESS PETITIONING

Ballot Requests by State	Total List	National List	State List	Hagelin List	Buchanan List
CALIFORNIA	191,792	30,406	80,000	3,084	78,322
COLORADO	13,254	4,331	810	651	7,462
CONNECTICUT	9,482	3,283	1,523	208	5,991
FLORIDA	51,686	18,207	856	1,799	30,824
IOWA	41,295	1,459	1221	533	39,303
KENTUCKY	11,329	2,292	6,508	258	2,271
MICHIGAN	28,062	8,903	3,900	626	14,633
NEW HAMPSHIRE	24,697	937	3,500	110	20,150
NEW JERSEY	18,070	5,044	400	400	12,226
NEW YORK	215,396	7,597	155,087	1,520	51,132
<b>TOTAL</b>	<b>605,003</b>	<b>82,459</b>	<b>253,805</b>	<b>9,169</b>	<b>262,314</b>

Source: Reform Party National and State Leaders

# Buchanan Reform

June 26, 2000

Mr. Michael Ferris  
Chairman, Nominating Committee  
Reform Party USA  
3217 Peppermint St.  
Newbury Park, CA 91320

Dear Mike:

Tomorrow (June 27, 2000), our campaign will send you (overnight) the Pat Buchanan Supporter list, consisting of over 500,000 names, on a CD, for the purpose of mailing each of these individuals a Reform Party presidential primary ballot.

Prior to sending this list, I would like to establish the following points with you regarding the use of the list. I ask that you signal your agreement to these points with your signature in the designated space below.

- 1) We are sending these names to you solely and exclusively for the purpose of receiving Reform Party USA presidential primary ballots.
- 2) We specifically request that you instruct the vendor conducting the primary that these names and addresses are to be returned to our campaign once the ballots have been printed and mailed.
- 3) We further request that you instruct all parties involved with the primary that these names are the sole and exclusive property of Buchanan Reform; that they are not to be used for any other purpose; that they are not to be retained by any party involved with the primary; that they are not to be used to create a new database, nor added to any pre-existing databases, including those of the Reform Party USA and state Reform Party organizations; that they will not be rented, sold or given to any third party whatsoever.

Should any violation of the above restrictions on the use of this list occur, we will take vigorous and immediate legal action to seek redress and protect our rights.

8200 Old Courthouse Road, Suite 300 • Vienna, VA 22182-3016

BQ: 703-734-3700 • Fax: 703-734-3700

1-800-00-74300 • Website: www.buchananreform.com • Email: bq@buchananreform.com

JUL-29-2000 SAT 01:17 PM  
Jul 29 00 01:59p

HAGELIN 2000

FAX

515-472-9196

P. 14

JUL-25-00 11:45  
JUL 22 00 03:20p

OFFICES  
R10 and Stephanie Ferris

2125811352  
603-980-0411

P. 14

P. 03  
P. 2

page 140  
Mr. Michael Ferris  
June 26, 2000

Thank you for your assistance in this matter. Please fax this letter back to me at 701/734-2705 when you have signed below, and then please return the signed original back to me at our campaign headquarters by mail.

Sincerely,



Ray Buchanan

I agree to all the terms set forward in the above letter from Ray Buchanan regarding the use of the Buchanan Reform candidate list.



Michael Ferris, Chairman, Nominating Committee, Reform Party USA

6/26/00  
Date

TOTAL P. 03

ATTACHMENT 2  
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UNITED STATES CODE ANNOTATED  
TITLE 42 THE PUBLIC HEALTH AND WELFARE  
CHAPTER 20 ELECTIVE FRANCHISE

SUBCHAPTER II. FEDERAL ELECTION RECORDS Copr. © West Group 2000. No claim to orig. U.S. Govt. Works

Current through P.L. 106-180, approved 3-17-2000

§ 1974c. Disclosure of records or papers

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subchapter, or any reproduction or copy, except to Congress and any committees thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

CREDIT(S)

1994 Main Volume-

(Pub.L. 86-449, Title III, § 304, May 6, 1960, 74 Stat. 88.)

~~General Materials (GM) - References, Annotations, or Tables~~

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1960 Acts, Senate Report No. 1205 and House Report No. 956, see 1960 U.S. Code Cong. and Adm. News, p. 1925.

LIBRARY REFERENCES

American Digest System

Access to public records and documents generally, see Records ¶ 30 et seq.

Encyclopedias

Access to public records and documents generally, see C.J.S. Records § 60 et seq.  
26 Am Jur 2d Elections § 93

Texts and Treatises

10A Fed Proc L Ed, Elections and Elective Franchise § 28:12.  
Elections and Elective Franchise, Fed Proc, L Ed § 28:10.  
Evidence, Fed Proc, L Ed § 33:215.  
Evidence, Fed Proc, L Ed § 33:341.

42 U.S.C.A. § 1974c

http://www.courtney.com/... Page 1 of 3

JUL-29-2000 SAT 01:19 PM  
JUL 29 00 02:00P

HAGELIN 2000

FAX NO

515-472-9196

P. 18

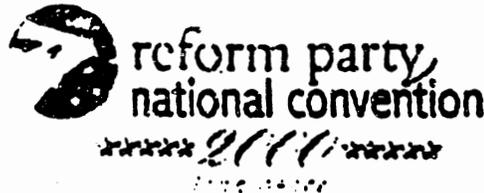
p. 18

JUL 19 00 09:44P

Mic and Stephanie Farris

805-480-0411

p. 1



July 19, 2000

Kingsley Brooks  
Hagelin 2000  
P.O. Box 1900  
Fairfield, IA 52556

Dear Kingsley,

This letter is to inform you that the Presidential Nominations Committee has established a Primary List Subcommittee. The charter of the Primary List Submission Subcommittee shall be to review and verify the validity of the lists submitted to the Committee by the two Primary Candidates for inclusion in the Reform Party Primary.

The Primary List Subcommittee shall be comprised of four members: One representative from the Buchanan campaign, one representative from the Hagelin campaign, and two representatives from the Committee, specifically Harry Kresky and Dave Goldman.

In order for the Primary List Subcommittee to review and verify the submitted lists, each campaign is directed by the Committee to produce identical copies of the lists submitted to the Committee for inclusion in the Primary to the Primary List Subcommittee for purposes of review and verification. Additionally, each campaign is directed by the Committee to produce sufficient backup material, specifically in the form of signed petitions, to the Primary List Subcommittee for purposes of review and verification.

Failure to comply with the directives of the Committee in this matter may be interpreted by the Committee as acknowledgement that the submitted list is not in compliance with the Rules and may lead to sanctions against the subject Primary Candidate, up to and including disqualification from being nominated as the Reform Party Presidential nominee via the Primary.

Your response in this matter is of the utmost urgency, given the short timeframe from now until the Reform Party National Convention. Please contact Harry Kresky (212-581-1826) or Dave Goldman (941-934-1234) at your earliest convenience in order to coordinate your representative's participation in the Subcommittee's activities and to remit the required material. The minutes of the Presidential Nominations Committee meeting establishing the Subcommittee is attached.

The Committee looks forward to your cooperation in this matter.

Sincerely,

Michael Farris  
Chair, Reform Party Presidential Nominations Committee  
RPUSA

ATTACHMENT 2

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JUL-29-2000 SAT 01:20 PM  
JUL 29 00 02:01P

HAGELIN 2000

FAX NO

015-472-9196

P. 20  
p. 20

JUL-26-00 16:11 OFFICES

2125811352

P. 02

# Buchanan Reform

July 26, 2000

Mr. Harry Kresky  
250 W. 57th Street  
New York, NY 10107

Dear Mr. Kresky:

Although under protest, we are naming Mr. Phil Alexander to represent Buchanan Reform on the Subcommittees being formed.

Sincerely,

  
Angela M. Buchanan

6233 Old Courthouse Road, Suite 200 • Vienna, VA 22182-3816

HQ: 703-734-3700 • Fax: 703-734-3705

1-800-GO-RAT-GO • Website: [www.buchananreform.com](http://www.buchananreform.com) • Email: [hq@buchananreform.com](mailto:hq@buchananreform.com)

ATTACHMENT 2

Page 121 of 226

## REFORM PARTY OF THE UNITED STATES OF AMERICA

In-person Executive Committee Meeting  
Dallas, Texas

July 29, 2000

MINUTES

**Present:** Officers: Jim Mangia, Secretary  
Regional Representatives: Sue Harris DeBauche, Micki Summerhayes, Anne Merkl, Paul Truax, June Spink, LuAnn Jones (present and not voting due to contested recall election, until legality of election was decided).  
**Guests:** Beverly Kennedy (parliamentarian), Dot Drew (Credentials Committee Chair), Russell Verney, Dror Bar-Sadeh (Communications Committee Chairman), Diane McKelvey.  
**Absent:** Gerry Moan, Vice Chairman; Tom McLaughlin, Treasurer, Cedric Scofield.

Given the absence of the Vice Chair (Gerry Moan), Jim Mangia called the meeting to order at 3:25pm central time. A quorum (majority of the committee) was present.

Micki Summerhayes stated that there was an alternate Executive Committee member from the Midwest region present (Diane McKelvey) who was elected at the Midwest regional caucus. She made a motion to recognize McKelvey as the representative for the meeting since Cedric Scofield was absent and she was the legally elected alternate. Anne Merkl seconded.

Discussion. Micki Summerhayes withdrew the motion.

Merkl pointed out that Scofield belongs to a state party that is unaffiliated, he is not a member. Sue DeBauche stated that on these grounds he is not a member of the Executive Committee.

Discussion.

Jim Mangia asked that the Executive Committee elect a Chairman to chair the meeting so he could continue taking minutes. He nominated Paul Truax to chair the meeting. June Spink seconded. Vote: motion passes unanimously.

Discussion continued on people's concerns about Cedric's membership in an unaffiliated state party. Sue DeBauche made a motion:

Whereas Cedric Scofield is from a state that has not affiliated Reform Party, he has no right to sit on the Executive Committee based on the RPUSA Constitution. Be it resolved that Scofield is hereby removed and Diane McKelvey be seated in his place. Anne Merkl seconded.

Discussion. Micki Summerhayes stated that Scofield's mailing address is in Minnesota but he is a member of another state party organization. Dror Bar-Sadeh called a Reform Party leader in Kentucky, who verified that Cedric Scofield was a member of the Kentucky Reform Party. He stated that the Kentucky Reform Party had voted to change their bylaws to allow Cedric to be a member, even though he did not reside in that state. Mangia stated that he felt the Executive Committee should not engage in removing people from the Executive Committee and that technically Scofield was a member of a state party organization. Mangia said that the Executive Committee should leave the illegal removals to the Buchanan campaign. Summerhayes asked the parliamentarian's opinion. Kennedy stated she agreed that he was technically a member of a state party organization. Sue DeBauche withdrew her motion.

Summerhayes made a motion that McKelvey participate in the meeting as a non-voting member and that questions about Scofield's legitimacy should be entertained when he can be present and respond in person. Anne Merkl seconded the motion.

Vote: 6 in favor - motion passes unanimously. (Mangia, DeBauche, Summerhayes, Merkl, Truax, Spink voted yes; McKelvey stated that she agreed with the vote).

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Mangia reiterated that on July 9, 2000 the Executive Committee confirmed Paul Truax's continuation as a member of the Executive Committee because the illegal southwest regional recall meeting did not follow proper procedure based on the RPUSA Constitution and Roberts Rules of Order.

Mangia made a motion that the alleged northwest recall meeting failed to follow the rules of the party and was therefore illegal; and that LuAnn Jones is reconfirmed as the Northwest regional representative to the Executive Committee., Anne Merkl seconded.

Discussion. Merkl discussed evidence that the northwest recall attempt was in direct violation of the rules and did not follow proper procedure. She read sections from Roberts Rules of Order (pp. 15, 16) which describe the necessity for "cause" in any recall proceeding and that cause was defined as "misconduct." The RPUSA Constitution abides by Roberts Rules of Order as written in Article XII (Parliamentary Authority). The RPUSA Constitution increased the percentage of members necessary for recall, but otherwise follows all other RROO procedures.

Jim Mangia stated that it would be a dangerous precedent to recall members of the party's governing bodies because they did or did not support a candidate seeking the party's presidential nomination. It was essentially an attempt to undermine the democratic procedures of the Reform Party for partisan political purposes. He also noted that both members against which the illegal recall attempts took place, had not endorsed a candidate for the presidential nomination. So they were being removed simply because they would not support Buchanan.

Micki Summerhayes stated that we already had precedent set by a federal Judge on the procedures for recall and this did not follow that federal decision. Moreover, at the last Executive Committee meeting no due process on the issue was allowed. People were not allowed to speak, some members of the Executive Committee were removed from the call by Gerry Moan without a vote of the body. Micki expressed deep disappointment with Moan's behavior. "I want to hear both sides and have the opportunity to make a fair decision. That's what I was elected to do!"

LuAnn was asked to describe the recall attempts and the procedure followed. She revealed that the first recall attempt, the Colorado Reform Party was not notified. She was never charged or shown cause and she received notice less than 24 hours before the meeting (on July 1). The second recall attempt was on July 19 - there was six days notice. No cause or charges were brought. A Colorado national committee member asked for the charges or cause and they refused to give the reasons for the recall. Gerry Moan admitted that the National Reform Party paid for the call, without approval of the Executive Committee. Lu Anne was not given the password to participate and defend herself. She stated that the recall attempt conference call-in number was the same as the Executive Committee later that evening, so perhaps there was some kind of mix-up. She tried to get into the meeting but the operator would not put her through and she didn't have the password. As well, LuAnn revealed that she had just received a registered letter which was postmarked on July 18, 2000 calling for a northwest recall meeting on August 8. LuAnn stated that the recall attempts started after she refused to sign a pledge for Pat Buchanan.

Micki Summerhayes stated that five members of the Executive Committee had been targeted for recall in the last month and that was sabotage and a violation of the principles of this party. A motion was made to call the question. No opposition. Question was called.

Vote on Mangia's motion that the so-called northwest regional recall meeting was illegal and that LuAnn Jones be reaffirmed as the northwest regional representative to the Executive Committee.  
VOTE: Mangia (yes); DeBauche (yes); Merkl (yes); Truax (yes); Spink (yes); Summerhayes (yes).  
Diane McKelvey stated she would have voted yes.  
Motion passes unanimously 6 - 0.

Summerhayes made a motion to approve the agenda:  
Report of the Presidential Nominations Committee  
Report of the Credentials Committee  
Agenda for the August 8 National Committee meeting  
Treasurer's report  
Financial report of the Convention Committee

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## New Business

Anne Merkl seconded. Vote: Mangia (yes); DeBauche (yes); Merkl (yes); Truax (yes); Spink (yes); Jones (yes). Diane McKelvey voices her support for the motion. Motion passes 7 - 0.

Dot Drew (credentials committee chair) gave her committee report. She stated that she has received credentials challenges in 42 states, some are multiple challenges. Dot stated that she pulled all of the information on the challenges together and would notify people of scheduled times when the challenges will be held.

Discussion. Micki stated that it was obvious that Dot Drew had done all the work for the credentials committee and she suggested the Executive Committee demand that Gerry Moan put in writing what he's going to do with regards to the credentials committee. Dot stated that she has always been and continues to be totally neutral, that she has been the credentials committee chair for each national convention since our founding and that she's been receiving threatening phone calls.

Sue DeBauche made a motion: In Section 6, Article 7 of the RPUSA Constitution it states that each special committee shall report to the Executive Committee. The Executive Committee instructs Jim Mangia to write a memo to Gerry Moan, that the Committee wants to see financial receipts, the budget and his plan for the credentials committee. Sue withdrew the motion to allow further discussion on the credentials committee report.

Mick Summerhayes stated that she believed Gerry Moan was intentionally trying to destroy the party. She believed that he could appoint committee chairs, but whomever he appoints must sit and be accountable to the Executive Committee. Frank Reed does not have the capability to do that, and by sitting as Chair of two committees is violating the RPUSA Constitution. In a conversation Micki had with Frank Reed, he stated that he believed the credentials committee chair could arbitrarily decide if challenges were "frivolous." No one has ever been seated without a vote of the national convention. For Gerry Moan to pull this away from Dot, when she has been totally fair and experienced - is a dereliction of duty. Moan is bound to do what the Executive Committee votes for him to do!

At this time, Michael Farris called into the Executive Committee meeting to give the Presidential Nominations Committee report. (Truax stated that we would continue with the credentials committee report after we dealt with Mic's report since he was called in from California).

Michael Farris reported that there were two motions discussed at the Presidential Nominations Committee (PNC) meeting the previous evening, one made by Harry Kresky and one made by Michael Farris. Both were defeated and no action was taken by the PNC. Mic noted that Gerry Moan, Tom McLaughlin and Dave Goldman voted against both motions. Michael Farris also stated that with respect to the rules, Moan and McLaughlin had the right to participate in the meeting, but in his opinion as the Chairman of the Committee, they should never have done so. The fact that Moan and McLaughlin chose to do so at the last meeting of the PNC - they were injecting partisanship at the last remaining meeting in support of Pat Buchanan. Mic stated that he expressed "professional anger" since the process had been nonpartisan before that point and neither Moan nor McLaughlin had ever participated before. Farris read the motions presented to the PNC. He stated that Buchanan has shown, and continues to show contempt for the PNC and the primary process and it's regulation of that process. Kresky's motion summarized, stated that since fraud had been committed by the Buchanan campaign with regards to the submission of ineligible and illegal names for the primary, and that the Buchanan campaign refused to comply with the audit and verification of his submissions, and that Bay Buchanan had stated in a letter that they did not recognize the authority of the PNC, Buchanan should be disqualified from the primary.

Mangia read the letter from Bay Buchanan into the minutes.

*"July 24, 2000; Dear Messrs. Kresky and Goldman: We have consulted with Dale Cooter, Esq., legal counsel for the Reform Party, and he has told us that the Presidential Nominations Committee has no authority to investigate such questions as you propose to investigate, after the nominees have been determined and ballots have been distributed. Any concerns about the procedures by which the balloting is subsequently conducted must, according to Mr. Cooter, be dealt with at the Convention by the Convention delegates. Mr. Cooter further indicated that the Presidential Nominations Committee has no authority to create a subcommittee, for any purpose. Consequently, until you have established*

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that the Presidential Nominations Committee has the authority to take the actions you are purporting to take, we must decline to participate in this apparently ultra vires activity. If you can establish that authority, we are prepared to appoint a representative. Sincerely, Angela M. Buchanan."

Lu Anne Jones quoted the Presidential Nominations Committee (PNC) rules, Section 2, Article 4 which states in writing the ability of the PNC to appoint subcommittees.

Discussion and questions.

Jim Mangia read the appeal filed by John Hagelin with regards to the fraud charges against Buchanan.

"Dear Mr. Chairman and Members of the Executive Committee: In light of evidence that has recently emerged, under Section VI of the Rules for the Selection of Reform Party of the United States Nominees for President (hereafter referred to as "the Rules"), the Hagelin campaign is appealing to the Executive Committee several resolutions of the Presidential Nominations Committee (hereafter referred to as "the PNC"), requesting that the Executive Committee reverse these decisions.

Evidence: This appeal is based on the following evidence: 1) The Buchanan campaign fraudulently and intentionally submitted its campaign database for ballot mailing in clear violation of the Rules Section III (4) which stipulates that a candidate can only submit: 'the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3).' Evidence of this violation is shown by affidavits by persons who did not request

Discussion.

Executive Committee voted to recess to look over the evidence presented.

Executive Committee reconvened fifteen minutes later.

Discussion. People raised major concerns about the Buchanan campaign's refusal to submit to an independent audit and to submit proof to back up the validity of their list, as required by the PNC rules.

Executive Committee Resolution:

Motion made by June Spink. Seconded by Jim Mangia:

"Whereas, the rules of the Reform Party's duly authorized special committee, the Presidential Nominations Committee, permit every party National Officer to participate in an ex-officio capacity, and Whereas, no party National Officer has exercised that privilege throughout the existence of the Presidential Nominations Committee until the committee was preparing to consider whether or not to take corrective action to insure the integrity, trust and verifiability of the Party's nomination process; and Whereas, the injection of the two ex-officio National Officers prevented the Presidential Nominations Committee from effectively completing their due diligence as the committee saw fit; and Whereas, the Executive Committee believes that the two National Officers injected themselves into the Presidential Nominations Committee at this late date for political reasons which serve only to frustrate the orderly conduct of the Presidential Nominations Committee, now therefore be it: Resolved, the Executive Committee hereby reprimands Vice Chairman Moan and Treasurer McLaughlin for violating the First Principle of Reform: "set the highest ethical standard," by putting their political preferences ahead of the honesty and integrity of the Reform Party to the benefit of one particular candidate over the Party's obligation to provide a nomination process that is fair, open, democratic, trusted and verifiable, and that was agreed to by all candidates."

Vote:

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Motion passed 7 - 0 (unanimously).

Discussion. Micki Summerhayes wanted it stated for the record that Buchanan has refused to comply

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with an independent audit, has threatened the Executive Committee and members of the Presidential Nominations Committee with lawsuits and has re-taken possession of the list and not allowed Hagelin to campaign to it through an independent mail house (which would have protected its confidentiality). In addition, given financial restraints, the party was unable to mail literature to all receivers of Reform Party presidential primary ballots making Hagelin's ability to campaign to the full list critical for a fair primary process.

**Executive Committee Resolution:**

Motion made by Anne Merkl, seconded by Jim Mangia.

"Whereas, the burden of proving voters names submitted by a candidate or his campaign comply with the Party's rules for eligible voters rests solely upon the candidate; and  
 Whereas, the Buchanan campaign has failed to comply with the proper directives of the Presidential Nominations Committee to disclose the supporting documentation which would prove the eligibility of some 500,000 names submitted by the Buchanan campaign; and  
 Whereas, Pat Buchanan, through his campaign's deliberate disregard for a fair, open and verifiable presidential nominations process has rendered the Reform Party's eligible voter list unverifiable to the membership, the Party officers, the Party's election Judges (in the form of the Presidential Nominations Committee) and the public; now, therefore be it  
 Resolved, Pat Buchanan has disqualified himself from receiving any verifiable votes and is hereby disqualified from the mail-in ballot for the Reform Party presidential nomination."

**Vote:**

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkl	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Motion passed 7 - 0 (unanimously).

Micki added that the reason she has voted yes is because Buchanan still has the option to overturn the decision at the National Convention by two-thirds, but stated that she voted yes because the Executive Committee must uphold the integrity of the process. Buchanan brought this upon himself by refusing to comply with the Presidential Nominations Committee. Other Executive Committee members made comments in support of Summerhayes' statement.

Sue Harris DeBauche made a motion to reconsider the previous motion to disqualify Buchanan from the primary ballot. Anne Merkl seconded.

**Vote:**

DeBauche	Abstain	Truax	No
Summerhayes	No	Spink	No
Merkl	No	Jones	No
Mangia	No	McKelvey recorded her vote as no.	

Motion fails 6 - 0 with 1 abstention.

Sue Harris DeBauche made a motion to rescind the previous motion to disqualify Buchanan from the primary ballot. Anne Merkl seconded.

**Vote:**

DeBauche	Yes	Truax	No
Summerhayes	No	Spink	No
Merkl	No	Jones	No
Mangia	No	McKelvey recorded her vote as no.	

Motion fails 6 - 1.

**Executive Committee Resolution:**

Motion made by June Spink, Seconded by Micki Summerhayes.

"Whereas the Party has an obligation to conduct an open, fair, democratic, trusted and verifiable presidential nominations process; let it be  
 Resolved, the Executive Committee hereby rescinds any expressed or implied confidentiality, acquired by any campaign organization or agent of any candidate for the Party's nomination, of qualified voters

permitted to take part in the Party's presidential nominations process entered into, given or implied by the Executive Committee, any National Officer, any Standing, Special or Sub Committee or any agent acting on behalf of a Committee or the Party."

Vote:

DeBauche	Abstain	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey recorded her vote as yes.	

Motion passes 6 - 0 with 1 abstention.

The Executive Committee moved back to the agenda item on Credentials. There was a discussion about the Chair's authority to appoint committee chairs, and the Executive Committee's authority to instruct the national Chairman, and the fact that he is bound by the decisions of the Executive Committee.

Unanimous vote to recess for 10 minutes.

Executive Committee meeting reconvenes.

Executive Committee resolution:

Motion made by Anne Merkl, seconded by Sue Harris DeBauche.

"The Executive Committee hereby directs Mr. Gerry Moan to reappoint, effective immediately, Dot Drew as Credentials Committee Chair and that he further instructed that there will be no more changes to this or any other committee until the close of the National Convention."

Vote:

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Motion passes unanimously 7 - 0.

Executive Committee Resolution:

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Gerry Moan to submit an in depth, written financial report on the Convention Committee 2000 by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Vote: Motion passed 7 - 0 (unanimously).

Executive Committee Resolution:

Motion made by Sue Harris DeBauche. Seconded by Anne Merkl.

"According to Article 7, Section 6 of the RPUSA Constitution, the Executive Committee instructs Tom McLaughlin to submit an in depth, written financial report on the RPUSA by 5pm pacific standard time, Wednesday August 2, 2000, to each member of the Executive Committee by email, in accordance with the resolution passed by the National Committee in Nashville on February 12, 2000."

DeBauche	Yes	Truax	Yes
Summerhayes	Yes	Spink	Yes
Merkel	Yes	Jones	Yes
Mangia	Yes	McKelvey registered her vote as yes.	

Vote: Motion passed 7 - 0 (unanimously).

Executive Committee Resolution:

Motion made by Sue Harris DeBauche. Seconded by June Spink.

"In accordance with Federal Election Commission guidelines, the Executive Committee instructs Gerry Moan as Chair of the Convention Committee to pay all reasonable expenses related to and incurred by the Credentials Committee chaired by Dot Drew, upon submission."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by Anne Merkl. Seconded by June Spink.

"Be it resolved that the Chairman or Acting Chairman of the RPUSA can only make parliamentary rulings in a meeting, and these rulings must be made in a meeting where they are subject to an appeal. Further be it resolved that according to Parliamentary Rules, the Chairman can make no rulings outside a meeting."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that the RPUSA Convention Committee Chairman Gerry Moan, is hereby instructed to reimburse Dror Bar-Sadeh (Communications Committee Chairman) for \$375 for convention related software purchases."

Vote: Motion passed 7 - 0 (unanimously).

It was noted that there have been no financial statements submitted to the Executive Committee by either Gerry Moan for the Convention Committee or Tom McLaughlin for the general Reform Party account.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Sue Harris DeBauche.

"Be it resolved that the Executive Committee of the RPUSA instructs Interim Treasurer Tom McLaughlin to reimburse the Executive Committee for travel to the in-person Executive Committee meeting on July 29, 2000 in Dallas Texas."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"To approve the following agenda for the National Committee meeting: Credentialing/registration report by the National Secretary; Seating of National Committee members; Approval of agenda; Review of Convention Arrangements."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by June Spink.

"Whereas the Convention Committee is a special committee defined in Article VII of the RPUSA Constitution, and is therefore subject to the Executive Committee under Section 4 and Article VII; and Whereas, Article VIII, Section 9 subjects all party National Officers to the proper directives and actions of the Executive Committee; now therefore be it

Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby limited to represent the Reform Party and any of its committees and officers in the case known as the Lynchburg appeal of Judge Moon's order of March 27, 3000; and be it forth Resolved that Attorney Dale Cooter and the law firm known to the Executive Committee as Cooter/Mangold is hereby instructed to take no action or representation contrary to any resolutions adopted by the Executive Committee at the Executive Committee meeting of July 29, 2000; Further resolved that Paul Truax is designated as the only liaison representative of the Reform Party to instruct Attorney Dale Cooter."

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Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). Anne Merkl seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by June Spink. Seconded by Anne Merkl.

"Be it resolved that no payment be made, by the RPUSA or the Convention Committee 2000, to Attorney Dale Cooter or the law firm of Cooter/Mangold, without prior approval of the Executive Committee."

Vote: Motion passed 7 - 0 (unanimously).

Sue DeBauche made a motion to reconsider the motion (stated immediately above). June Spink seconded. Vote: DeBauche abstains, all others vote no, motion fails 6 - 0 with 1 abstention.

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee instructs Gerry Moan, Convention Committee Chairman, to reimburse Press Secretary Donna Donovan for all convention-related expenditures, including, but not limited to phone expenses."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion made by Jim Mangia. Seconded by Anne Merkl.

"Be it resolved that the Executive Committee appoints Judy Duffy to be in charge of all security arrangements, contracts and direction for the Long Beach National Committee and National Convention meetings."

Vote: Motion passed 7 - 0 (unanimously).

**Executive Committee Resolution:**

Motion to adjourn, made by Jim Mangia. Seconded by Anne Merkl.

Vote: Motion passed 7 - 0 (unanimously).

Meeting adjourned at 8pm CST.

Respectfully submitted,  
Jim Mangia  
National Secretary

REFORM PARTY OF THE UNITED STATES OF AMERICA

Executive Committee Meeting  
January 18, 2000

MINUTES

Present: Officers: Jack Gargan, Chairman; Gerald Moan, Vice Chair; Ronald Young, Treasurer; Jim Mangia, Secretary.  
Regional Representatives: June Spink, Paul Truax, Cedric Scofield, Ann Merkl, Lu Ann Jones, Michael Farris, Sue Harris DeBauche.  
Guests: Phil Madsen (Rules Committee Chairman), Tim Johnson (parliamentarian), Tom McLaughlin, Shar Johnson

Gerry Moan called the meeting to order. Jack Gargan stated that this was not a legally constituted meeting.

Paul Truax made a motion to proceed. June Spink seconded.

Jack Gargan stated that this was not a legally constituted meeting of the Executive Committee. Jack Gargan, Ronald Young, Sue Harris DeBauche left the call.

Vote on motion to proceed:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	No		

Motion carries 5 - 2. Ann Merkl leaves the call.

Seven Executive Committee members remain on the call. Guests Phil Madsen and Tom McLaughlin remain on the call.

Gerry Moan proposes to hold the National Committee meeting on February 12, 2000, 9am in the morning in Nashville, Tennessee. Paul Truax seconds.

Discussion

Vote:			
Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion to hold national committee meeting in Nashville on February 12, carries 6 - 1.

Paul Truax made a motion to consider proposed resolutions, June Spink seconded.  
Vote was 6 - 1 in favor (Mangia the only Executive Committee member voting against the motion).

Resolution No. 1

RESOLVED, that pursuant to the Constitution of the Reform Party of the United States of America (the "Constitution"), including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and 9, the democratically elected Executive Committee hereby directs that the business to be conducted at this meeting shall be consideration of the resolutions attached as Exhibit A to the action of the members of the Executive Committee calling this meeting, and that such business shall be conducted in the order those resolutions appear in that Exhibit.

Vote on resolution #1:

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Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

**Resolution No. 2**

**RESOLVED**, that pursuant to and in accordance with the provisions of the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and 9, the Executive Committee hereby declares and directs that meetings of the Executive Committee, including without limitation this meeting, shall continue until adjourned, upon motion made and seconded, by majority vote of the members of the Executive Committee present at the meeting, regardless of any purported action by the person presiding over the meeting to impose a limit on the duration of the meeting.

Vote on resolution #2:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

**Resolution No. 3**

**RESOLVED**, that pursuant to and in accordance with the provisions of the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and 9, the Executive Committee hereby declares and directs that any Sergeant-at-Arms or Parliamentarian appointed by the person presiding over a meeting of the Executive Committee shall have no authority or power to hinder, interfere with, disrupt, or prevent the conduct of any business, or the actions of any member of the Executive Committee, at or during any meeting of the Executive Committee, unless such action by the Sergeant-at-Arms or Parliamentarian is approved by a majority vote of the members of the Executive Committee present at the meeting.

Vote on resolution #3:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

**Resolution No. 4**

**RESOLVED**, that pursuant to the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.e) and 9, the Executive Committee hereby directs the National Secretary (elected democratically and by the full body of our national convention) to make and maintain as part of the records of the Party a tape recording of the complete proceedings of each meeting of the Executive Committee, including but not limited to this meeting, to the extent possible.

Vote on resolution #4:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

**Resolution No. 5**

**RESOLVED**, that pursuant to the Constitution, including but not limited to Art. V, Sections 1, 7

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and 8, and Art. VIII, Sections 2.a) and d) and 9. Mr. Jack Gargan, the National Chair, and Mr. Ronn Young, the National Treasurer and the person whom Mr. Gargan has appointed as Chairman of the Reform Party 2000 Convention Committee, are hereby directed that all monies and other valuable effects belonging to the Party, including but not limited to federal convention funds governed by 11 CFR 9008.1-9008.16, shall be deposited only to the name and credit of the Party in accounts of the Party or, if required, a committee thereof, and only with a financial institution approved by majority vote of the Executive Committee and with no other depository institution.

Vote on resolution #5:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

**Resolution No. 6**

**RESOLVED**, that pursuant to the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and d) and 9, Mr. Jack Gargan, the National Chair, and Mr. Ronn Young, the National Treasurer and the person whom Mr. Gargan has appointed as Chairman of the Reform Party 2000 Convention Committee, are hereby directed that no monies or deposits of the Party, including but not limited to federal convention funds governed by 11 CFR 9008.1-9008.16, shall be disbursed by the National Treasurer, the Reform Party 2000 Convention Committee or its chairperson, or by any other person acting on behalf of the Party or any committee thereof, to finance, support, pay for, or otherwise cause any activities related to the Reform Party's 2000 National Convention, other than toward the accomplishment of, or for purposes of holding, such convention in a location as designated by the members of the National Committee at their upcoming meeting to be held on February 12, 2000 at 9:00AM local time in Nashville, Tennessee Specifically, that no such monies or deposits shall be disbursed by the National Treasurer, the Reform Party 2000 Convention Committee or its chairperson, or by any other person acting on behalf of the Party or any committee thereof, to finance, support, pay for, or otherwise cause any activities related to, or for the holding of, any 2000 convention of the Party in Minnesota.

Vote on resolution #6:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	No
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 5 - 2.

**Resolution No. 7**

**RESOLVED**, that pursuant to and in accordance with the provisions of the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and c) and 9, Mr. Jim Mangia, the National Secretary, (democratically elected by national convention, our party's highest governing body) is hereby directed to be the only person entitled to certify as to the validity under the Constitution of a votes of the National Convention, the National Committee or the Executive Committee, and Mr. Mangia, as National Secretary, is hereby directed to render a certification decision as to the validity under the Constitution of the alleged National Committee vote of November 29, 1999, which Mr. Gargan announced at the Executive Committee meeting on January 9, 2000.

Vote on resolution #7:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

Resolution No. 7a

RESOLVED, that pursuant to and in accordance with the provisions of the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and c) and 9, and Article IV, Section 4, Mr. Jim Mangia, the National Secretary, is hereby directed to be the only person entitled to certify as to the validity under the Constitution of the membership of a National Committee member.

Vote on resolution #7a:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

Resolution No. 8

RESOLVED, that, pursuant to the Constitution of the Reform Party of the United States of America (the "Constitution"), including but not limited to Art. V, Sections 1, 7 and 8, Article VI, Sections 6 and 8, and Article VII, Sections 4 and 6, the Executive Committee hereby directs

(1) the Chairperson of the 2000 Convention Committee is to issue a written report of the name and address of each member of the Committee or Sub-Committee chaired by such Chairperson not later than 10 days after the date of this meeting and thereafter to issue a written report of any change in the membership of the Committee or Sub-Committee promptly after such change occurs, a copy of each such report to be furnished upon its issuance to the National Secretary who is hereby directed to furnish a copy of each such report to each member of the Executive Committee and make available to the general membership through relevant means, forthwith upon the National Secretary's receipt of the report, and

(2) the National Secretary to advise such Chairperson in writing of this directive not later than three days after the date of this meeting.

Vote on resolution #8:

Moan	Yes	Jones	Yes
Mangia	No	Scofield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

Resolution No. 9

RESOLVED, that pursuant to the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, Article VI, Sections 6 and 8, Article VII, Sections 4 and 6, and Article VIII, Sections 2a. and d.), 9 and 10, the National Chair, the National Treasurer, each other National Officer and the Chairperson of the 2000 Convention Committee, and of each of its Sub-Committees are hereby directed to provide a complete and accurate copy of all filings with the Federal Election Commission made by, or at the direction of, such person, including but not limited to all such filings made since September 1, 1999, not later than five days after the later of (1) the date of this meeting or (2) the date of such filing, to the National Secretary, who is hereby directed to provide a copy of each such filing to each member of the Executive Committee forthwith upon the National Secretary's receipt of a copy of the filing. Financial Reports of the 2000 Convention Committee will be issued at least every 2 weeks to the Executive Committee and the general membership.

ATTACHMENT 2  
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Vote on resolution #9:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

Resolution No. 10

RESOLVED, that, pursuant to the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, Article VII, Sections 4 and 6 and Article VIII, Sections 2a. and d.), 9 and 10,

(1) Mr. Jack Gargan, the National Chair, and Mr. Ronn Young, the National Treasurer and the person whom Mr. Gargan has appointed as Chairman of the Reform Party 2000 Convention Committee, are hereby directed to report to the Executive Committee in writing within five days after the date of this meeting the name of each depository institution in which any monies or other valuable effects belonging to the Party, including but not limited to federal convention funds governed by 11 CFR 9008.1-9008.16, are deposited, together with the name and number of each account in which such monies or effects are deposited and the names of the signatories on each such account,

(2) the National Treasurer is hereby directed to provide a copy of each statement received with respect to the status of each account referred to in subparagraph (1) above now or hereafter maintained (the "Accounts") to the National Secretary, who is hereby directed to provide a copy of each such statement to each member of the Executive Committee forthwith upon the National Secretary's receipt of a copy of such statement, and

(3) as part of the National Treasurer's report on the financial status of the Party to be given at each meeting of the Executive Committee in accordance with Article VIII, Section 2.d) of the Constitution, the National Treasurer is hereby directed to provide a written report of all deposits to, and disbursements from, the Accounts not reflected on the statements previously delivered to the National Secretary pursuant to subparagraph (2) above.

Vote on resolution #10:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	Yes
Truax	Yes	Spink	Yes
Farris	Yes		

Motion carries 6 - 1.

Resolution 11

RESOLVED, that pursuant to the Constitution, including but not limited to Article V., Sections 1, 7 and 8, and Article VIII., sections 2 a) and 9, Gerald Moan, Vice-Chairman, is hereby directed to write a letter to any convention facility which has been purportedly contracted for the holding of the Reform Party 2000 convention other than the convention center in Long Beach, California, including particularly any convention center in Minnesota; and such letter shall inform any such non-Long Beach convention facility that no one has authority to contract in behalf of the Reform Party of the United States of America or any committee thereof, including the Reform Party 2000 convention committee, for any convention facilities other than in Long Beach on August 10-13, 2000, by reason of the vote of the Executive Committee of the Reform Party September 1, 1999.

Vote on resolution #3:

Moan	Yes	Jones	Yes
Mangia	No	Scotfield	No

ATTACHMENT 2  
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Truax	Yes	Spink	Yes
Farris	Abstain		

Motion carries 4 - 2 - 1 (abstention).

June Spink made a motion to adjourn. Cedric Scofield seconded. Vote: Unanimously in favor.

Meeting adjourned at 6:30pm.

Respectfully submitted,

Jim Mangia  
Reform Party USA Secretary

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REFORM PARTY NATIONAL COMMITTEE MEETING  
LONG BEACH, CALIFORNIA  
AUGUST 8, 2000

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REPORTED BY: Pamela Milin, CSR No. 7752, RPR

25

FILE NO.: 9A054E2

ATTACHMENT

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1 TUESDAY, AUGUST 8, 2000; LONG BEACH, CALIFORNIA  
2 11:11 A.M.

3 ---  
4

5 GERALD MOAN: Ladies and gentlemen, could you please  
6 take your seats. That will probably be the last round  
7 of applause I get until Sunday. Does everybody have a  
8 little yellow sticky that ain't sticky?

9 Is the secretary ready to proceed?

10 JIM MANGIO: Yes, sir.

11 GERALD MOAN: My name is Gerry Moan. I'm the  
12 national chairman and chairman of the National  
13 Committee. Are we ready to go? Now, as you know, the  
14 media may be outside. They are ready for the brawl, the  
15 "Thrilla of Manila," call it what you will. I would  
16 hope, depending on where you come from, what you  
17 believe, whether you're pro-somebody, anti-somebody, or  
18 just here to cause trouble, if you're here to cause  
19 trouble or if you are vehemently opposed to what is  
20 going on, all I can ask you to do is act professional,  
21 with proper decorum. We will get through everything.  
22 We will mediate everything. We will negotiate  
23 everything.

24 But I would like to see, at the end of the  
25 day -- and there will be some hard feelings in

1 me just explain a little difficulty, which I think --

2 UNIDENTIFIED SPEAKER: One small question. Are we  
3 going to begin with the Pledge?

4 JIM MANGIO: I think we should.

5 GERALD MOAN: Good point, Robert.

6 (Pause in proceedings for the  
7 Pledge of Allegiance.)

8 JIM MANGIO: Thanks, Bob. Okay. Let me just  
9 explain to you a little, without -- not in any way  
10 casting aspersions. I just want to explain to you,  
11 also, a little bit of a housekeeping piece which we're  
12 going to have to deal with. As you know, every state  
13 chair will know that there have been scheduled state  
14 conventions now, and there always are.

15 And the national party does not tell the state  
16 when they can have their convention. Gerry decided that  
17 August 1st would be the cutoff date for a base list;  
18 however, there have been a number of state conventions  
19 since then, in Wyoming, for example, and some other  
20 states. I think Texas, I got something, also. So what  
21 we're going to try to do is do that as a housekeeping  
22 piece.

23 So whether that state is challenged or not, the  
24 state chair recognizes who the legally recognized member  
25 of the National Committee is. Those people will be

1 everybody's soul when we leave, but we must take the  
2 next step. The American people deserve a third-party  
3 voice. The infrastructure battles that we are going  
4 through will solve themselves by recruitment, by party  
5 building, by the following of the rules, as we commonly  
6 understand them.

7 Interpretation of rules is one of the things  
8 that Reform Party members pride themselves on; some  
9 rightly, some wrongly, some vehemently, and some  
10 meagerly. But we should decide, before we start, that  
11 we will be professional, we will treat each other with  
12 the respect that we deserve. You've all spent a lot of  
13 money in getting to Long Beach. But you, more  
14 importantly, spent a lot of time, effort, at the expense  
15 of our family lives, our pocketbooks, and et cetera, to  
16 get to where we are today. Take that into  
17 consideration. Love thy neighbor as thyself, and let's  
18 get through this.

19 But, Jim, why don't you come up; and we'll  
20 decide how we're going to do this. You can applaud for  
21 Jim.

22 JIM MANGIO: Thank you. Judy Duffy, I need another  
23 one of those lists of the challenges because -- yeah,  
24 that one (indicating), because there's -- somebody took  
25 it. All right. So I will go through the list. And let

1 brought in, and then we will go through the challenges.  
2 Now, they may very well be challenged and then not be  
3 able to vote, anyway. But everyone that's been duly  
4 elected in their states will be the initial list that we  
5 start with today, you know, so that we're -- everybody  
6 knows that their elections are valid until -- you know,  
7 like we did in every National Committee meeting. States  
8 are going to have their conventions up until the day  
9 before this meeting. Okay?

10 So I'm going to go through the list and tell  
11 you who's challenged, if I could figure it out. I don't  
12 think there's any challenge to Gerry Moan yet. Okay.  
13 Myself. Who is unchallenged? Is Tom McLaughlin here?  
14 Okay. Tom is not here. Is June Spink present?

15 JUNE SPINK: Here.

16 JIM MANGIO: Sue Harris Debauche?

17 SUE HARRIS DEBAUCHE: Here.

18 JIM MANGIO: Ann Merkl?

19 ANN MERKL: Here.

20 JIM MANGIO: Mickey Summerhayes?

21 MICKEY SUMMERHAYES: Here.

22 JIM MANGIO: Okay. And then the following three  
23 Executive Committee members have been challenged, so  
24 none of these will get to vote initially. Cedric  
25 Scofield, Paul Truachs, and Luanne Jones. Okay.

1 Alabama, Bob Belcher, Milton Morrow, and John  
 2 Van Sandt, are you three present?  
 3 UNIDENTIFIED SPEAKER: Yes.  
 4 UNIDENTIFIED SPEAKER: Yes.  
 5 JIM MANGIO: And, Bob, you're the state chair,  
 6 correct?  
 7 BOB BELCHER: Yes.  
 8 JIM MANGIO: Those are your people?  
 9 BOB BELCHER: Correct.  
 10 JIM MANGIO: Alaska? Alaska is not challenged. Ed  
 11 Wassell, Robert Lynn, and Robert Bird.  
 12 BOB LYNN: Morning. It should be Bob Lynn. I  
 13 registered to vote as Bob Lynn.  
 14 JIM MANGIO: Is it okay if we change that?  
 15 UNIDENTIFIED SPEAKER: We are all present,  
 16 Mr. Secretary.  
 17 JIM MANGIO: Thank you. There's no challenge? All  
 18 right. Could you stand, please? So far, I think  
 19 everyone who's being challenged is in the room. This is  
 20 another one. Okay. Arizona, Gene Kerkman, Margo  
 21 Whittenberg and Russ Whittenberg.  
 22 UNIDENTIFIED SPEAKER: We're here.  
 23 JIM MANGIO: Stand up. Okay. There's a challenge  
 24 to Arizona. Could we bring the Arizona challengers in,  
 25 please?

1 you mean just go through --  
 2 GERALD MOAN: Just verify --  
 3 JIM MANGIO: So I'm going to verify so far who is  
 4 uncontested. But, see, the thing is that I really -- I  
 5 think I need to go through it this way to keep control  
 6 of it.  
 7 GERALD MOAN: Why are we stopping to have a  
 8 challenge?  
 9 JIM MANGIO: Because --  
 10 GERALD MOAN: It doesn't matter. We have to  
 11 determine they're uncontested.  
 12 JIM MANGIO: But everybody is contested, Gerry.  
 13 UNIDENTIFIED SPEAKER: I would suggest that the roll  
 14 call continue through, and then we agree on the docket  
 15 for challenge as second.  
 16 GERALD MOAN: That's --  
 17 JIM MANGIO: Okay. Actually, the reason that I'm  
 18 doing it is because we need to establish, right off the  
 19 bat, what the basis for the challenge is in one  
 20 sentence. And then if it's a frivolous challenge, we  
 21 can dismiss it so we don't have to waste our time on it.  
 22 UNIDENTIFIED SPEAKER: Point of order. Is somebody  
 23 going to call the meeting to order first?  
 24 JIM MANGIO: Gerry called the meeting.  
 25 GERALD MOAN: This is not a meeting. We're

1 UNIDENTIFIED SPEAKER: All three seats?  
 2 JIM MANGIO: Yes.  
 3 JUDY DUFFY: To expedite while I'm getting them  
 4 together, could you go on with the next ones?  
 5 JIM MANGIO: Well, the next ones are challenged.  
 6 So --  
 7 JUDY DUFFY: Oh, okay.  
 8 JIM MANGIO: The one that's not challenged,  
 9 California, is here.  
 10 UNIDENTIFIED SPEAKER: Mr. Chairman?  
 11 JIM MANGIO: Yes?  
 12 UNIDENTIFIED SPEAKER: You want a state that is not  
 13 challenged?  
 14 JIM MANGIO: I want to call the roll in alphabetical  
 15 order so we're in line with everything, if I could,  
 16 thank you.  
 17 UNIDENTIFIED SPEAKER: With the challengers?  
 18 JIM MANGIO: If I could find them.  
 19 JUDY DUFFY: Point of order, Mr. Chair?  
 20 JIM MANGIO: Yes.  
 21 UNIDENTIFIED SPEAKER: I would suggest that you  
 22 continue with the roll call, but then we agree to the  
 23 docket for the challenges that the body itself decide  
 24 the order for challenges.  
 25 JIM MANGIO: But we've got to pull them in -- oh,

1 establishing the credentials.  
 2 JIM MANGIO: Mr. Brass, can you state the nature of  
 3 your challenge in three words?  
 4 UNIDENTIFIED SPEAKER: Objection. Objection as  
 5 appointed --  
 6 JIM MANGIO: Excuse me. So you're going to  
 7 completely prevent me from being able to do this  
 8 credential process? I'm the secretary of the party and,  
 9 as such, have been given the duty of running the  
 10 credentialing process. I would ask you respect the way  
 11 I do it, which was upheld in Lynchberg. I would -- I  
 12 appreciate Jim Brass coming to the microphone and  
 13 coming to state your challenge.  
 14 "FRANK": Jim, one question, before you -- isn't it  
 15 necessary to establish who the voting members are before  
 16 we vote?  
 17 JIM MANGIO: But we're not going to decide on the  
 18 challenge, Frank. Let me just work you through this,  
 19 and you might agree.  
 20 UNIDENTIFIED SPEAKER: How are you going to --  
 21 JIM MANGIO: For example, I've received a lot of  
 22 different kinds of challenges. For example, in  
 23 California, there is a challenge that the state  
 24 convention has to provide 30 days' notice. And there  
 25 was only 28 days' notice. In my opinion, that's

1 frivolous. In my opinion, that's not a challenge that  
2 this body should hear.

3 So I think we have to go through very quickly,  
4 state the nature of the challenge, and then move on to  
5 the next. Otherwise, we're going to -- otherwise,  
6 everyone is just going to challenge everyone. There  
7 will be no (inaudible) to start the meeting.

8 UNIDENTIFIED SPEAKER: Are you going to make that  
9 call?

10 JIM MANGIO: If you disagree with the call, then we  
11 will use it as a challenge.

12 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.

13 JIM MANGIO: I'm not here to make any decision.

14 UNIDENTIFIED SPEAKER: Mr. Chairman, what was just  
15 stated by the secretary conflicted with his own words.  
16 He said that he was not going to decide anything. But  
17 if, in fact, something is decided -- in other words, the  
18 nature of the challenge -- then, in fact, that is a  
19 process that is going on, and a decision is being made.

20 And, therefore, Mr. Chairman, I'd respectfully  
21 suggest that there was a list of National Committee  
22 members that was out front that allowed these members to  
23 arrive in this room that -- I suggest that we at least  
24 call that roll and determine the numbers and whether we,  
25 in fact, even have a quorum, Mr. Chairman.

1 called to order.

2 UNIDENTIFIED SPEAKER: We all have yellow tags  
3 saying we're members.

4 UNIDENTIFIED SPEAKER: We're not having a meeting.

5 UNIDENTIFIED SPEAKER: I'd like to make a point of  
6 order here. I believe that Jim was calling the roll,  
7 and Mr. Bowes' motion is out of order, and he needs to  
8 completely call the roll.

9 Jim, you need to continue calling the roll.  
10 Jim, you need to call the meeting to order, call the  
11 roll, continue calling the roll. And then we can get to  
12 the challenges.

13 UNIDENTIFIED SPEAKER: Very good.

14 JIM MANGIO: Arizona is challenged. Arkansas is  
15 challenged. California is challenged. Colorado, maybe  
16 the body can help me with this. Okay? So you tell me  
17 what you want me to do here. Colorado is the -- is  
18 there only one microphone in here that's now being  
19 controlled?

20 UNIDENTIFIED SPEAKER: We're in line --

21 JIM MANGIO: Why is there only one microphone?

22 UNIDENTIFIED SPEAKER: -- respectfully waiting our  
23 turn.

24 JIM MANGIO: Excuse me. I have the floor. Colorado  
25 is an affiliated state party organization. The

1 JIM MANGIO: Excuse me. If I can -- wait a minute.  
2 Wait a minute. We're not in session. There's no  
3 motions, Mr. Bowes. You've had the microphone. Can you  
4 step away, let someone else speak?

5 UNIDENTIFIED SPEAKER: Point of order.

6 JIM MANGIO: Wait a minute. The problem with that,  
7 sir, is that, for example, there are challenges around  
8 affiliation, which this body cannot deal with. So in a  
9 number of states, the Natural Law Party is challenging  
10 the affiliation of those state party organizations we do  
11 not have the power to hear. Does that mean we do not  
12 allow that delegation to be seated until after we go  
13 through this whole thing? That is not a challenge to  
14 deal with, so I will -- excuse me.

15 GERALD MOAN: Time out. I'm going to make a ruling  
16 of the chair. As we have done --

17 JIM MANGIO: You can't. There's no quorum.

18 GERALD MOAN: As we have done previously, we have  
19 seated the uncontested delegates first and then heard  
20 challenges. That is the ruling of the chair.

21 UNIDENTIFIED SPEAKER: Challenge the ruling of the  
22 chair, sir.

23 JIM MANGIO: Object to the ruling of the chair.

24 GERALD MOAN: Say --

25 UNIDENTIFIED SPEAKER: The meeting needs to be

1 challenges that are being brought to Colorado are being  
2 brought by the Natural Law Party. Are we now saying  
3 that Colorado should not be seated as a Reform Party  
4 affiliated state party organization because there is an  
5 affiliation challenge when, under the rules of this  
6 Constitution of this party, we cannot unaffiliate a  
7 state party organization?

8 So how do we differentiate between what is a  
9 challenge that we can hear and who gets seated and what  
10 is a challenge that we can't hear and who gets seated?  
11 That's my question to the body. Does anyone have any  
12 suggestions on that?

13 UNIDENTIFIED SPEAKER: Mr. Chairman, I have a  
14 suggestion, or Mr. Secretary. Are you suggesting that  
15 to a Colorado delegation that is not in this room at  
16 this time? Are they sitting in this room? Have we  
17 called the roll?

18 UNIDENTIFIED SPEAKER: We're right here.

19 UNIDENTIFIED SPEAKER: So, therefore, we're --  
20 they've already -- they're in the room. Now, if  
21 somebody wants to challenge them, they have every right  
22 to do so. But the fact -- no, but you're --

23 JIM MANGIO: No, he's not listening to me.

24 UNIDENTIFIED SPEAKER: I am listening to you, sir.  
25 You asked me a question. I'm giving you an answer.

1 JIM MANGIO: I didn't ask you the question.  
 2 UNIDENTIFIED SPEAKER: You asked the body, and I'm  
 3 part of it, sir. And so you ask a question. And the  
 4 fact is if they're sitting in this room and then there  
 5 is a subsequent challenge, then, by all means, let the  
 6 challenge take place. But the meeting --  
 7 JIM MANGIO: Excuse me. That's a violation of our  
 8 Constitution, sir.  
 9 UNIDENTIFIED SPEAKER: Right.  
 10 JIM MANGIO: Wait a minute. Well, that's what I'm  
 11 trying to do, is find out what the basis of the  
 12 challenges are. And you're telling me not to do that.  
 13 UNIDENTIFIED SPEAKER: The meeting has to be called  
 14 to order.  
 15 JIM MANGIO: Excuse me. Wait a minute. Let's just  
 16 try to be logical. Okay? How would you call a meeting  
 17 to order if some of the people who are not allowed to  
 18 vote are not allowed to vote because of a violation of  
 19 the Constitution?  
 20 UNIDENTIFIED SPEAKER: Because the credentialing  
 21 occurred by giving these yellow tags.  
 22 JIM MANGIO: No, it did not.  
 23 UNIDENTIFIED SPEAKER: Well, the initial --  
 24 JIM MANGIO: No, it did not. That was not  
 25 credentialing, sir.

1 about here, which is in direct violation of our  
 2 Constitution. Can you help on that? I can ask her --  
 3 an opinion of the parliamentarian, can't I?  
 4 UNIDENTIFIED SPEAKER: Call roll. No, you're not  
 5 the chairman.  
 6 UNIDENTIFIED SPEAKER: You're not the chairman.  
 7 GERALD MOAN: I will handle it. Also,  
 8 Ms. Parliamentarian, the list of baseline entry into  
 9 this room was established by a list as transmitted from  
 10 the secretary to the communications director. That is  
 11 the establishment for which we will proceed for quorum.  
 12 JIM MANGIO: Well, then, my problem with that is  
 13 that you said an arbitrary date on that list of  
 14 August 1st after the fact. You did not -- you are,  
 15 therefore -- wait a minute. You said your point. You  
 16 can speak again; therefore, you are disempowering state  
 17 party organizations which have a right to hold  
 18 conventions up until this meeting and elect new members  
 19 or old members, or whatever, of the National Committee.  
 20 So what you're effectively doing is  
 21 disempowering, infringing on the rights of state party  
 22 organizations to hold meetings and have their people  
 23 recognized as National Committee members. Now, by  
 24 forcing the calling of the roll and allowing frivolous  
 25 challenges, what you are essentially allowing to happen

1 UNIDENTIFIED SPEAKER: Initial credentialing was  
 2 done by the roster.  
 3 JIM MANGIO: No.  
 4 UNIDENTIFIED SPEAKER: We're suggesting that --  
 5 UNIDENTIFIED SPEAKER: That's what you got to start  
 6 with, Mr. Chairman. Please call the meeting to order.  
 7 Please call the meeting to order, and then we finish the  
 8 roll call, and then we go to the challenges.  
 9 JIM MANGIO: Excuse me.  
 10 UNIDENTIFIED SPEAKER: Establish an order.  
 11 JIM MANGIO: Excuse me. Excuse me.  
 12 GERALD MOAN: I'm going to call the meeting to  
 13 order.  
 14 UNIDENTIFIED SPEAKER: There you go.  
 15 GERALD MOAN: Since we're starting off on a great  
 16 foot, I'm going to call the meeting to order so that  
 17 everything that we do from this point forward is  
 18 official. And for purposes of a quorum, the secretary  
 19 is instructed to call the roll.  
 20 JIM MANGIO: I would like to ask the parliamentarian  
 21 her opinion about this, given that my concern is that  
 22 there are going to be challenges to affiliated state  
 23 party organizations which are not legitimate challenges  
 24 under this body. And they will, therefore, prevent  
 25 those people from voting on this, what we're talking

1 is not a fair process, but a stacked process, because  
 2 you're not -- there are challenges that have to be  
 3 dismissed at hand.  
 4 UNIDENTIFIED SPEAKER: With respect to the  
 5 secretary --  
 6 JIM MANGIO: Excuse me. I wasn't finished, sir.  
 7 May I finish?  
 8 UNIDENTIFIED SPEAKER: Yes, you may.  
 9 JIM MANGIO: Thank you.  
 10 There are challenges to the state party  
 11 affiliations, and those people should not be heard.  
 12 Those challenges should not be heard. According to the  
 13 rules of the National Committee, we cannot disaffiliate  
 14 a state party organization. So if the Natural Law Party  
 15 or the Freedom Party, which are not the affiliates of  
 16 the Reform Party, in those states are lodging a  
 17 challenge, those challenges need to be dismissed at  
 18 hand. And I'm saying that we don't know that until we  
 19 at least ask the basis of the challenge.  
 20 UNIDENTIFIED SPEAKER: Mr. Secretary, you may be  
 21 right or you may be wrong. But these people have due  
 22 process rights to be heard. And it is not for the  
 23 secretary to make the sole determination for this body.  
 24 JIM MANGIO: I --  
 25 UNIDENTIFIED SPEAKER: I propose that we allow both

1 groups of challengers to state their case. And  
 2 Mr. Secretary may be right. And, Mr. Secretary, you may  
 3 be --  
 4 JIM MANGIO: The parliamentarian just ruled in my  
 5 favor.  
 6 UNIDENTIFIED SPEAKER: But it is not your sole  
 7 discretion. This body should decide, sir.  
 8 JIM MANGIO: Excuse me. The parliamentarian has  
 9 ruled in my favor and said we cannot violate the right  
 10 of the state party organization to hold their elections  
 11 and change their members.  
 12 SUE HARRIS DEBAUCHE: Point of order.  
 13 JIM MANGIO: Wait a minute, Sue. What she said was  
 14 that by doing it your way, we're essentially violating  
 15 the right of the state party organizations to hold their  
 16 convention and elections.  
 17 UNIDENTIFIED SPEAKER: Bull.  
 18 UNIDENTIFIED SPEAKER: Baloney.  
 19 JIM MANGIO: What we have to do -- no, you can't  
 20 call the meeting to order. And, moreover --  
 21 UNIDENTIFIED SPEAKER: You already did.  
 22 JIM MANGIO: Excuse me. Security, are we going to  
 23 allow people to interrupt?  
 24 UNIDENTIFIED SPEAKER: Hey, hey, hey.  
 25 JIM MANGIO: Are you going to allow people to

1 interrupt and shout people down?  
 2 UNIDENTIFIED SPEAKER: You did.  
 3 GERALD MOAN: Time out. Who objects? Everybody.  
 4 What's your point of order, sir?  
 5 UNIDENTIFIED SPEAKER: The Executive Committee is  
 6 now in session and is in session. I make a motion right  
 7 now that those states that are the recognized affiliated  
 8 states be allowed in this room, mine included. We are  
 9 the recognized people, and we are the ones who have  
 10 worked for this party. And I hereby make that motion.  
 11 I ask for a second.  
 12 UNIDENTIFIED SPEAKER: A second.  
 13 JIM MANGIO: Executive Committee only?  
 14 UNIDENTIFIED SPEAKER: Executive Committee only.  
 15 JIM MANGIO: All those in favor in the Executive  
 16 Committee, raise your hands? All those opposed?  
 17 (Majority raise hands.)  
 18 UNIDENTIFIED SPEAKER: Point of order. The --  
 19 UNIDENTIFIED SPEAKER: So passed.  
 20 JIM MANGIO: But the National Committee is not in  
 21 session, sir.  
 22 UNIDENTIFIED SPEAKER: It is being called to order.  
 23 JIM MANGIO: The parliamentarian has made a  
 24 different ruling.  
 25 GERALD MOAN: Time out. Time out.

1 JIM MANGIO: The meeting has been called to order.  
 2 GERALD MOAN: Time out. The chairman -- wait a  
 3 minute. The chairman has called the meeting to order.  
 4 The parliamentarian has every right to give advice to  
 5 the chair. It is in my purview to accept or reject that  
 6 recommendation. So, therefore, I'm calling the meeting  
 7 to order. If you want to overrule the chair, you will  
 8 indicate as by roll call.  
 9 JIM MANGIO: Okay. Well, we'll have to call it  
 10 first. But, now, let me ask you a question, Gerry, if I  
 11 may.  
 12 UNIDENTIFIED SPEAKER: Roll call.  
 13 JIM MANGIO: May I ask you a question?  
 14 GERALD MOAN: Okay.  
 15 JIM MANGIO: So how do you propose --  
 16 GERALD MOAN: Time out. Can we stop the second  
 17 meetings? Jim doesn't --  
 18 JIM MANGIO: Well, let me just say -- okay. So,  
 19 Gerry, how do we deal with the fact that there are  
 20 challenges to affiliation? Okay. So there are parties  
 21 that are not affiliated that are challenging legitimate  
 22 parties for affiliation.  
 23 GERALD MOAN: During the challenge process.  
 24 JIM MANGIO: No. But they -- no. But they can't be  
 25 challenged under rules.

1 GERALD MOAN: Do you have verification they're not  
 2 Natural Law Party?  
 3 JIM MANGIO: Yes.  
 4 GERALD MOAN: By voter register poll?  
 5 JIM MANGIO: No. I have verification they're  
 6 bringing the challenge as Freedom Party and Natural Law  
 7 Party members.  
 8 UNIDENTIFIED SPEAKER: Reform Party.  
 9 GERALD MOAN: We have a registration process time  
 10 out.  
 11 UNIDENTIFIED SPEAKER: Executive Committee.  
 12 UNIDENTIFIED SPEAKER: What's this Natural Law Party  
 13 stuff?  
 14 GERALD MOAN: The motion has been made by the chair  
 15 to call the meeting to order. If everybody in this room  
 16 wants to overrule the chair, stand up.  
 17 JIM MANGIO: Whoever wants to overrule the chair,  
 18 stand up.  
 19 (Majority stand up.)  
 20 GERALD MOAN: Whoever wants to -- in the opinion of  
 21 the chair, the meeting is now called to order.  
 22 UNIDENTIFIED SPEAKER: We have challenged delegates  
 23 here who are voting on this question and are not yet  
 24 credentialed.  
 25 UNIDENTIFIED SPEAKER: Point of order.

1 GERALD MOAN: The body has sought to open the  
2 meeting. We will call, for quorum purposes, the roll.  
3 The challenges will be heard in each and every  
4 circumstance. If a state is challenged, every instance  
5 will be heard. The Executive Committee is now not in  
6 session.  
7 UNIDENTIFIED SPEAKER: This is a meeting of the  
8 National Committee.  
9 UNIDENTIFIED SPEAKER: Point of order. I'm sorry,  
10 Gerry. I've got to respectfully disagree with you.  
11 UNIDENTIFIED SPEAKER: Come to the microphone,  
12 please.  
13 JIM MANGIO: I'm going to call the roll as per the  
14 direction of the chair for a quorum call.  
15 UNIDENTIFIED SPEAKER: Jim, I would like to  
16 respectfully disagree with the chair. He cannot  
17 determine when the Executive Committee is in session or  
18 is not in session.  
19 JIM MANGIO: Okay. Irregardless, I'm going to call  
20 the roll.  
21 GERALD MOAN: Until the roll call is finished, there  
22 will be no more comments unless there is a legitimate  
23 point of order regarding the procedure.  
24 JIM MANGIO: I'm saying who is contesting in this  
25 roll call, right?

1 GERALD MOAN: Forget the challenges.  
2 JIM MANGIO: But those aren't the people that are  
3 going -- if you challenge, you can't vote, according to  
4 the credentialing process. Whatever you want to do, I  
5 think that's what we should do. All right. Margo  
6 Whittenberg, Russ Whittenberg, and Gene Kerkman are  
7 challenged. Jeff Weeks, Michael Wilbanks --  
8 GERALD MOAN: I asked for no comment, Bob, until  
9 we're through with role.  
10 JUDY DUFFY: He's asked that no one speak.  
11 UNIDENTIFIED SPEAKER: Okay.  
12 JIM MANGIO: And Jeff Weeks, Michael Wilbanks, and  
13 Nancy Wilbanks are challenged.  
14 UNIDENTIFIED SPEAKER: That's not on the list.  
15 UNIDENTIFIED SPEAKER: I'm not challenged.  
16 JIM MANGIO: Okay. Tim Miller and Steve Matea are  
17 challenged. I'm sorry. Thank you.  
18 UNIDENTIFIED SPEAKER: What states?  
19 JIM MANGIO: Arkansas. California, Ray Mills, Brian  
20 Stransky and Susan Madori are challenged. Colorado,  
21 Victor Goode, Rosemary Sachs, and Ray Lashly are  
22 challenged. Okay. Connecticut, Bob Davidson, Donna  
23 Donovan, and Loretta Farren are not challenged.  
24 Washington D.C., Donna Wachz, Jerry Lorentz, and June  
25 Hirsch are challenged.

1 GERALD MOAN: Yeah.  
2 JIM MANGIO: Okay. All right. These are the  
3 uncontested Executive Committee members to date: Gerry  
4 Moan, Jim Mangio, June Spink, Sue Harris DeBauche, Ann  
5 Merkl, and Mickey Summerhayes. Alabama, Bob Belcher,  
6 Milton Morrow, and John Van Sandt, they're unchallenged.  
7 Alaska, Ed Wassell, Bob Lynn, and Robert Bird, they're  
8 unchallenged. Arizona is challenged. They cannot vote.  
9 Arkansas is challenged. They cannot vote. California  
10 is challenged. They cannot vote. Colorado --  
11 UNIDENTIFIED SPEAKER: You're supposed to take the  
12 roll, not tell us who to vote --  
13 GERALD MOAN: Time out. Sit down. He is calling  
14 the roll. I've agreed to allow him just to announce the  
15 challenges so everybody can get their first -- I said  
16 there's no comment, please. Let's just go through roll.  
17 UNIDENTIFIED SPEAKER: There's a legitimate point of  
18 information. When he's saying they cannot vote, does he  
19 mean on his own state or on every state?  
20 UNIDENTIFIED SPEAKER: He shouldn't say anything.  
21 He just should call roll.  
22 UNIDENTIFIED SPEAKER: Just call the roll.  
23 UNIDENTIFIED SPEAKER: Just call our names.  
24 GERALD MOAN: Call the names.  
25 JIM MANGIO: I'll call the names.

1 Delaware, William Shields, Steven Hrzic,  
2 Dorothy Kendall, challenged. Florida, Dave Goldman,  
3 Carl Bean, Pauline Klein, challenged. Georgia, David  
4 Denny -- I'm sorry. I don't -- I need that other list.  
5 I don't have that August 1st list that you provided. My  
6 apologies. Okay. All right. Georgia, Bill Aringer,  
7 Jerry Reed, Sam Burr, though this is a housekeeping  
8 challenge, because they had an election, and they --  
9 there's no other challenge to them. Yeah, it's all  
10 within the same delegation.  
11 Is everyone clear on that?  
12 UNIDENTIFIED SPEAKER: What state?  
13 JIM MANGIO: That's Georgia. So Georgia is only  
14 being challenged by themselves, because they weren't on  
15 the August 1st list, even though they had an election  
16 two weeks prior and elected committee members. Hawaii,  
17 Chad Love, Nikki Love, Bill Russell is challenged.  
18 UNIDENTIFIED SPEAKER: There is a point of order for  
19 a number of states at -- we have two of them that are  
20 disaffiliated because they did not have one-fourth of  
21 their delegates in the 1999 --  
22 UNIDENTIFIED SPEAKER: Out of order. Out of order.  
23 UNIDENTIFIED SPEAKER: Take roll call.  
24 UNIDENTIFIED SPEAKER: Excuse me. Are you trying to  
25 throw me out by security for doing the same thing she

1 just did?

2 UNIDENTIFIED SPEAKER: Call the roll.

3 JIM MANGIO: Hawaii is challenged. Idaho, Don  
4 Schanz, William Cail, Terry Gelson is challenged.

5 SUSAN HARRIS DEBAUCHE: Are these all Natural Law  
6 challenges?

7 JIM MANGIO: No. They won't let me talk about that,  
8 Susan. Sorry. You're keeping track of what's  
9 challenged and what isn't, right? Thank you. Illinois,  
10 David Cherry, Rafael Higgins and Jodie McCormick are  
11 housekeeping challenges. Make a note of which is  
12 housekeeping and which isn't, Gerry. Okay? Indiana is  
13 Margaret Burns, Bob Conley, Paul Reszel.

14 UNIDENTIFIED SPEAKER: Mr. Conley is not here.

15 JIM MANGIO: All right. We'll deal with that in a  
16 minute.

17 GERALD MOAN: Judy, is this the true list of  
18 challenges?

19 JUDY DUFFY: Yes. That's the list that was handed  
20 in, yes. And you have one additional small page.

21 JIM MANGIO: Where is that?

22 GERALD MOAN: Georgia is challenged.

23 JIM MANGIO: Okay. All right. So change Georgia to  
24 challenged. I need that list, Gerry. I can't do it.  
25 We can share it. Thank you, Judy. Where are we,

1 quorum?

2 GERALD MOAN: The body has determined that the  
3 meeting has been called to order. I said: Those that  
4 do not wish the meeting to be called to order, stand up.  
5 The opinion of the chair is that 12 people stood up.  
6 So, therefore, the meeting is called to order. Thank  
7 you.

8 UNIDENTIFIED SPEAKER: I would challenge that  
9 ruling, sir, according to Robert's Rules of Order.

10 UNIDENTIFIED SPEAKER: Out of order.

11 JIM MANGIO: Okay. Can we continue, please?

12 GERALD MOAN: There's no other comments. As the  
13 body has wished, we will call the roll.

14 UNIDENTIFIED SPEAKER: Right.

15 GERALD MOAN: No point of order.

16 UNIDENTIFIED SPEAKER: Parliamentarian, could you  
17 rule on that? Point of order is --

18 GERALD MOAN: The parliamentarian is a member -- is  
19 not a member of this organization, and she is an advisor  
20 to the chair. When the chairman feels he needs an  
21 advisory, I will ask.

22 UNIDENTIFIED SPEAKER: Point of order.

23 GERALD MOAN: Call the order.

24 UNIDENTIFIED SPEAKER: Point of order. Gerry, you  
25 cannot do that.

1 Illinois, Indiana?

2 UNIDENTIFIED SPEAKER: Could you repeat Indiana?

3 JIM MANGIO: Indiana is not challenged. That is  
4 Margaret Burns, Bob Conley, and Paul Reszel.

5 GERALD MOAN: The young lady with the yellow bag in  
6 her hand, those are not bricks, but it's -- Judy Duffy  
7 is the person that has put everything together for the  
8 convention. I've asked her to be the protector of the  
9 microphone. So Judy is the past chair of California and  
10 runs so many conventions. It's hard to name them all.  
11 But I've asked her to be the protector of the  
12 microphone.

13 JUDY DUFFY: Mr. Chair, may I -- I have someone  
14 asking for a point of clarification. Are you taking  
15 anything until the end of the roll call?

16 GERALD MOAN: No. We're going through the roll  
17 call, then we can clarify the order and --

18 JIM MANGIO: Iowa, Buzz Miller, Tom Stanley, Drew  
19 Ivers, unchallenged.

20 UNIDENTIFIED SPEAKER: Mr. Chairman, may I raise a  
21 point of clarification? Have you called this meeting to  
22 order or not?

23 UNIDENTIFIED SPEAKER: Yes.

24 UNIDENTIFIED SPEAKER: How can you call the meeting  
25 to order when we have not determined if there is a

1 UNIDENTIFIED SPEAKER: Security.

2 GERALD MOAN: The chairman asked for an overturning  
3 of the rule of the chair, but Bobby has decided -- thank  
4 you.

5 UNIDENTIFIED SPEAKER: I challenge the chair.

6 GERALD MOAN: The chairman's ruling was already  
7 challenged. You did not stand up. The house sat down.  
8 And in the determination of the chair, in any way,  
9 shape, or form, the 15 people that stood up are not  
10 outweighed by the other 160. Thank you.

11 JIM MANGIO: Let's get through to call the roll. I  
12 respectfully submit that to --

13 UNIDENTIFIED SPEAKER: Call roll? We've (inaudible)  
14 for being present. We just don't -- we're not calling  
15 the roll. All you're doing is reading a list.

16 GERALD MOAN: Time out. Parliamentarian --

17 THE PARLIAMENTARIAN: Ladies and gentlemen, you  
18 watched one convention, and you're going to watch  
19 another one where one of those people will be elected.  
20 But the rest of you are organizing amongst yourselves.  
21 I don't understand why. If any of you have ever opened  
22 Robert's Rules of Order and looked inside, you will find  
23 that before you can do anything, you call the meeting to  
24 order, then you determine if a quorum is present.  
25 I think that's what you're trying to do. But

1 when you fight amongst yourselves, you're not setting an  
 2 example for the country to elect your candidate, whoever  
 3 it is. So keep that in mind. Try and be a little more  
 4 civil. Thank you.  
 5 JIM MANGIO: Okay. Kansas, Mike Wilson, Jack  
 6 Paulson, Charlotte Paulson.  
 7 UNIDENTIFIED SPEAKER: Are they here?  
 8 JIM MANGIO: Sir, sit down, please, sir.  
 9 UNIDENTIFIED SPEAKER: I'm waiting.  
 10 JIM MANGIO: Sit down, please, sir.  
 11 UNIDENTIFIED SPEAKER: Let's have the meeting go on.  
 12 JIM MANGIO: I keep getting interrupted.  
 13 UNIDENTIFIED SPEAKER: Turn the mike off.  
 14 UNIDENTIFIED SPEAKER: Turn the mike off.  
 15 GERALD MOAN: Everybody will get your chance to be  
 16 heard. We want to call the roll, on the advice of the  
 17 parliamentarian, to establish quorum so that we can do  
 18 anything.  
 19 JIM MANGIO: Kansas is not challenged. I just read  
 20 them off. Iowa is Buzz Miller, Tom Stanley, Drew Ivers,  
 21 not challenged. Kentucky, John Longmeyer, Sam Cox,  
 22 Jeanette Lenczyk, challenged. Louisiana, Didi Mule,  
 23 B.J. Monk, Dottie Watson, challenged. Maine, Lily  
 24 Andrews, Larry Gardiner, and Wendell Kenny,  
 25 unchallenged. Maryland, Bob Bowes, Anna Anderson,

1 Tanny Keaveny, challenged. Ohio -- check Ohio. I  
 2 thought I saw that on there -- John Mitchell, Dee  
 3 Clapsaddle, Michael -- I'm sorry -- Frank Reed, not  
 4 challenged. Oklahoma -- that's Ohio, not challenged.  
 5 Oklahoma, Michael Charba, Willard Lyman, Robert Beli,  
 6 challenged. Oregon, Mickey Summerhayes, Claire Heil --  
 7 and then one person is a housekeeping challenge, so  
 8 there's two of those that are not challenged. There's a  
 9 specific challenge to one. Pennsylvania, Jay Russell,  
 10 Maria Lewis, Bill Ravotti, not challenged. Rhode  
 11 Island, Dave Richardson, Tim Miller, Bill Greenwood,  
 12 challenged, right, Rhode Island?  
 13 UNIDENTIFIED SPEAKER: Just one. We have an  
 14 alternate here. We have an alternate here.  
 15 JIM MANGIO: Okay. Rhode Island is challenged.  
 16 South Carolina, Ronnie Armstrong, Barbara Batchelder,  
 17 Sarah Steagal, not challenged, right? South Dakota,  
 18 Maynard Butch Thompson, Lisa Thompson, Arian Tekrony,  
 19 challenged. Tennessee, Catherine Siegel -- state --  
 20 state is resigned. Those are challenged, anyway, and  
 21 Tennessee. Texas, Jeannie Doogs, Kelly Abt, Klimar  
 22 Wright, challenged. Utah, Jeff Larson, Mary Ellen  
 23 Moore, Barbara Whitely, challenged. Vermont, Russ  
 24 Capron, Robert Anderson, Jane St. Lawrence, challenged.  
 25 Virginia, Sue Harris Debusche -- these are not

1 William Casagrande, not challenged. Massachusetts, Andy  
 2 Lizotte, Evelyn Dougherty, Bill Higgins, not challenged.  
 3 Michigan, Ray Vinton, Diane McKelvie, Eleanor  
 4 Renfro, challenged. Minnesota is not affiliated.  
 5 Mississippi, Ted Wiley, Bob Clouch, Shaun O'Hara,  
 6 challenged. Missouri, Larry Terry, Raygene Overholtzer,  
 7 Richard Tauber, unchallenged. I think there's a  
 8 challenge. Yeah, there's a challenge to that, yeah,  
 9 'cause I got it in the mail. Montana, J.R. Myers, R.J.  
 10 Brewer, Cajun James, challenged. Okay. Montana is  
 11 challenged. I just named them.  
 12 Nebraska, Teresa Damasuskas, Loretta Weston,  
 13 Janell Skinner, challenged. Nevada, Timothy Steele,  
 14 William Grutzmacher Agnes Grutzmacher, challenged.  
 15 New Hampshire, Larry Dennismount and Maggie Simine,  
 16 challenged. New Jersey, Joe Sansone, Beverly Kidder,  
 17 Jim Logue --  
 18 UNIDENTIFIED SPEAKER: Here.  
 19 JIM MANGIO: -- challenged. New Mexico, Lauren  
 20 Poisson, Brian Ottmer, David Baltz, challenged.  
 21 New York, Frank McKay, Lorene Oliver, Kathy Stewart,  
 22 challenged. North Carolina, Bar Sadeh, D. Drew,  
 23 H. Drew, challenged. Is that challenged? Just making  
 24 sure. They're unchallenged. Judy, you have a mistake.  
 25 North Dakota, Lita Stewart, Margaret Sitte,

1 challenged? Why are there stars next to them? -- Bill  
 2 Huff, and Ron Young, challenged. Washington State, is  
 3 theirs challenged in Washington? Ray Larson, Connor  
 4 Coughlin, Diane Ennis is challenged. I disagree with  
 5 that challenge. West Virginia, Daniel Stern, Jerome  
 6 Heineman, Martha Zatezalo, challenged.  
 7 UNIDENTIFIED SPEAKER: Here.  
 8 JIM MANGIO: Wisconsin, (inaudible) Mueller, Margo  
 9 Hansen, Mary Dial, challenged. Wyoming, Tim Halinan,  
 10 (inaudible) Lorenzen, Robin Lorenzen. Though Tim gave  
 11 me changes on August 1st, they're not reflected. That's  
 12 a house -- but there's also another challenged, so  
 13 that's challenged. That's not only housekeeping. Yes.  
 14 Okay.  
 15 Gerry, could you give me the --  
 16 UNIDENTIFIED SPEAKER: Mr. Secretary, our quorum  
 17 call?  
 18 JIM MANGIO: Gerry, could I have that list of  
 19 challenges?  
 20 GERALD MOAN: Oh, I'm sorry. Okay. I'm going to  
 21 count up who's not challenged, okay, if you could just  
 22 give me a moment.  
 23 JIM MANGIO: Just give us another minute. I'm  
 24 sorry.  
 25 (Pause in proceedings.)

1 JIM MANGIO: All right. Indiana -- I'm sorry. I'm  
2 counting. I've got -- there are only 40 members of the  
3 National Committee who are unchallenged, which means we  
4 do not have a quorum to conduct business. There is no  
5 quorum to conduct business.  
6 GERALD MOAN: There's -- only legitimate members are  
7 here. These members are all here.  
8 JIM MANGIO: But it states in the Constitution that  
9 we need at least 50 percent of the registered body to  
10 substitute a quorum.  
11 UNIDENTIFIED SPEAKER: Point of order.  
12 UNIDENTIFIED SPEAKER: Point of order.  
13 GERALD MOAN: There is a conjecture here about the  
14 secretary's ruling that there's not enough people here  
15 to conduct the meeting. Does anybody believe that?  
16 UNIDENTIFIED SPEAKER: No.  
17 GERALD MOAN: Body has spoken.  
18 UNIDENTIFIED SPEAKER: I motion for a presiding  
19 secretary.  
20 UNIDENTIFIED SPEAKER: I second the motion.  
21 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
22 Point of order, Mr. Chairman.  
23 GERALD MOAN: Yes. For purposes of identification,  
24 state your name and your state.  
25 J.R. MYERS: I'm J.R. Myers. I'm the chairman of

1 where you come from, and your legitimacy to bring  
2 challenge. In other words, let's just --  
3 UNIDENTIFIED SPEAKER: I challenge the ruling of the  
4 chair.  
5 UNIDENTIFIED SPEAKER: Shut up.  
6 GERALD MOAN: I'll take your point after I finish,  
7 then you can tell me what you're challenging. So,  
8 therefore, if the state of Alabama is challenged, then  
9 the three delegates that are challenging the three  
10 National Committee members from Alabama will enter the  
11 room. One person will be requested to speak for three  
12 minutes pro and three minutes con. That will be the way  
13 we conduct business. Anybody that doesn't want to  
14 conduct business, stand up. Okay. Seeing nobody stand  
15 up, that's the rule of the chair. That's the way we'll  
16 proceed. This is not credentialing.  
17 JIM MANGIO: Yes, it is.  
18 GERALD MOAN: No. You've done challenging. We've  
19 established quorum. Registration process is order.  
20 JUDY DUFFY: Mr. Chair, just a point of order. I  
21 have two people from Arizona in the room. Should they  
22 be removed until you're ready for them?  
23 UNIDENTIFIED SPEAKER: Yes.  
24 GERALD MOAN: No, no. Time out. Let me see the  
25 roll. Who's got the official roll? Give me a copy.

1 the Montana Reform Party. My point of order is this:  
2 My understanding of the Constitution is that no  
3 challenge is serious unless it is brought by another  
4 Reform member. If there are challenges that are brought  
5 by members of other parties, those challenges should be  
6 dismissed in hand as --  
7 JIM MANGIO: Thank you.  
8 GERALD MOAN: Time out.  
9 UNIDENTIFIED SPEAKER: I want a ruling first before  
10 I move. They want me to go back.  
11 JIM MANGIO: I can't hear you.  
12 (Pause in proceedings.)  
13 GERALD MOAN: Everybody take your seats, including  
14 those lined up at the microphones. We will not proceed  
15 until everybody is in their seat. There's 160 people in  
16 the room. They've decided to meet. These are all the  
17 delegates. These are all the delegates, Jim. The  
18 secretary has graciously called the roll, which was the  
19 ending of his registration process. The chair is in  
20 control of the meeting.  
21 On advice of the parliamentarian, everybody in  
22 this room is here. Those that are not here, leave the  
23 room. I've taken your advice and made my ruling. So,  
24 therefore, we will go through the challenges one by one.  
25 First order of business will be to state your name,

1 UNIDENTIFIED SPEAKER: Are you ready to hear my  
2 challenge, Gerry?  
3 GERALD MOAN: We negotiated quickly.  
4 JIM MANGIO: All right. We're going to go through  
5 the challenges.  
6 UNIDENTIFIED SPEAKER: And who votes, Gerry?  
7 UNIDENTIFIED SPEAKER: Point of information,  
8 Mr. Chairman. Who will be able to vote? For instance,  
9 will the whole body be able to vote on every state  
10 except their specific members?  
11 GERALD MOAN: The members in the room.  
12 UNIDENTIFIED SPEAKER: Including --  
13 GERALD MOAN: The members in the room.  
14 UNIDENTIFIED SPEAKER: Okay.  
15 UNIDENTIFIED SPEAKER: Thank you. Thank you.  
16 UNIDENTIFIED SPEAKER: I challenge that ruling, sir.  
17 GERALD MOAN: Excuse me?  
18 UNIDENTIFIED SPEAKER: I already challenged that.  
19 UNIDENTIFIED SPEAKER: Mr. Chairman --  
20 UNIDENTIFIED SPEAKER: You can't have challenged  
21 members voting.  
22 GERALD MOAN: Excuse me. Sit down. The ruling of  
23 the chair -- time out. Unless you're at the microphone,  
24 you can spit out whatever you want, but you will not be  
25 heard.

1 UNIDENTIFIED SPEAKER: Mr. Chairman, may I make a  
 2 motion? And maybe you can clarify something through you  
 3 and Jim together.  
 4 UNIDENTIFIED SPEAKER: Who is he?  
 5 BOB BATCHELDER: My name is Bob Batchelder, and I'm  
 6 from South Carolina. My brief thought is this: This is  
 7 a Reform Party National Committee meeting. And some of  
 8 these National Committee people of the Reform Party are  
 9 being challenged by members of other parties. And it's  
 10 my belief -- and I believe it's the belief of this body,  
 11 I hope -- that any foreign political party has  
 12 absolutely no bearing or standing in this room to  
 13 challenge Reform Party credentialed people; therefore,  
 14 my motion is that any challenges that you have up there  
 15 by any party that is not a Reform Party challenge be  
 16 dismissed as frivolous, because that's exactly what it  
 17 is. I will not --  
 18 GERALD MOAN: The only thing --  
 19 BOB BATCHELDER: Wait a minute. I have not spent my  
 20 hard-earned money to come to a meeting that can be  
 21 cancelled by Natural Law Party people or Freedom Party  
 22 or other party that you want. This is the Reform Party  
 23 meeting, and it needs to stay that way.  
 24 GERALD MOAN: Bob, the only way you can establish  
 25 that is to hear the challenge and the validity and the

1 general comment.  
 2 UNIDENTIFIED SPEAKER: A little comment here.  
 3 GERALD MOAN: Time out.  
 4 UNIDENTIFIED SPEAKER: I am recognized.  
 5 GERALD MOAN: Jim --  
 6 UNIDENTIFIED SPEAKER: I am the person recognized.  
 7 Gerry just handed the authority to be recognized to me.  
 8 And if everybody would quit speaking -- and if everybody  
 9 would quit speaking until Gerry recognizes them,  
 10 regardless, we won't be going through all this. Thank  
 11 you.  
 12 Now, the point of order I have is: You said,  
 13 Gerry, that everybody in this room was going to be  
 14 allowed to vote. I have a point of order, that  
 15 everybody that was uncontested in this room is allowed  
 16 to vote.  
 17 GERALD MOAN: Jim, I didn't put all these people on  
 18 the web site. Your registration process did.  
 19 UNIDENTIFIED SPEAKER: I appeal the ruling of the  
 20 chair.  
 21 GERALD MOAN: Point of order.  
 22 UNIDENTIFIED SPEAKER: I appeal the ruling of the  
 23 chair. I don't believe there's a quorum in this room to  
 24 decide who is able to vote. I am the Executive  
 25 Committee member. I have a right to be here.

1 standing of the challenger.  
 2 UNIDENTIFIED SPEAKER: Exactly.  
 3 GERALD MOAN: That's the only way we can do it. I  
 4 mean, you just can't take somebody's arbitrary decision  
 5 and say they're out. If a member of the Natural Law  
 6 Party comes in here and says, "I'm challenging the State  
 7 of New York," then the body will decide if it's a  
 8 frivolous challenge, and off we go.  
 9 BOB BATCHELDER: That's fair. And I think that we  
 10 should note that you're -- so you're confirming that a  
 11 challenge from the foreign party is a frivolous  
 12 challenge?  
 13 GERALD MOAN: I agree.  
 14 BOB BATCHELDER: Okay.  
 15 UNIDENTIFIED SPEAKER: Point of order, Gerry.  
 16 GERALD MOAN: Yes, ma'am.  
 17 BOB BATCHELDER: I just think we likely get on with  
 18 this.  
 19 GERALD MOAN: Let's get moving. Point of order from  
 20 Mickey Summerhayes.  
 21 MICKEY SUMMERHAYES: Thank you for recognizing me.  
 22 GERALD MOAN: Come to the microphone so everybody  
 23 can hear you and --  
 24 UNIDENTIFIED SPEAKER: She needs to get in line.  
 25 GERALD MOAN: Point of order takes preference over

1 UNIDENTIFIED SPEAKER: Sit down.  
 2 UNIDENTIFIED SPEAKER: I'm appealing the ruling of  
 3 the chair.  
 4 GERALD MOAN: All those in favor --  
 5 UNIDENTIFIED SPEAKER: I want it logged in the  
 6 minutes. Thank you very much.  
 7 GERALD MOAN: All those in favor of the ruling of  
 8 the chair, stand up. In the opinion of the chair, the  
 9 appeal of the opinion of the chair is overruled.  
 10 TIM MILLER: Point of clarification, Mr. Chairman.  
 11 GERALD MOAN: Mr. Miller is recognized from  
 12 Arkansas.  
 13 TIM MILLER: Mr. Chairman, could you clarify? On  
 14 the voting by state, is it when the state is challenged,  
 15 those particular delegates from that state will not  
 16 vote, but the rest of the body will?  
 17 GERALD MOAN: Correct.  
 18 TIM MILLER: Thank you.  
 19 GERALD MOAN: Next, Mr. Abt.  
 20 KELLY ABT: Point of inquiry, Mr. Chairman. Is  
 21 this -- is it the intention of the chair or this body to  
 22 just have this one single microphone? Are we going to  
 23 recognize people who just stand up from the body?  
 24 GERALD MOAN: No. It is the intention of the chair  
 25 to recognize people only at the microphone. The

1 shouting and everything that's going to go on will  
2 happen regardless of what I want to do. So the  
3 microphone is the recognized speaking vehicle for this  
4 party.

5 KELLY ABT: And could I just ask just a further  
6 question, sir? Is it your ruling that, then, point of  
7 orders from the body not near the microphone, how are we  
8 going to handle --

9 GERALD MOAN: If a person has a predetermined point  
10 of order, they should make their way into the line.

11 KELLY ABT: Thank you, Mr. Chairman.

12 JIM MANGIO: Excuse me. The parliamentarian says  
13 that she wants it on the record that people who are  
14 challenged cannot participate in the voting. The only  
15 people who can vote are those who are unchallenged and  
16 now seated.

17 GERALD MOAN: Thank you. I've taken that under  
18 advisement, and I -- as an advisor to the chair, I've  
19 made my rulings. And it's been upheld by the body.

20 JIM MANGIO: The first challenge is to Cedric  
21 Scofield. The basis of the challenge, I don't know  
22 who -- I got about 24 e-mails.

23 SUE HARRIS DEBAUCHE: I will make a motion that --

24 JIM MANGIO: Please come to the mike and state the  
25 nature of the challenge and your standing as a member of

1 CEDRIC SCOFIELD: I'm Cedric Scofield.

2 GERALD MOAN: Yeah. Please sit down.

3 CEDRIC SCOFIELD: On February 22nd of this year, I  
4 joined the Wisconsin party. I rent property in  
5 Wisconsin. I have a business address in Wisconsin. I  
6 have motor vehicles registered in Wisconsin. I'm a  
7 card-carrying member of the Wisconsin Reform Party. I  
8 received the primary ballot in Wisconsin. And it should  
9 also be noted that prior to the Minnesota affiliation,  
10 Kentucky made me a special member of our party.

11 Therefore, I'm actually a member of two  
12 affiliated state parties, and I have been since -- well,  
13 in Wisconsin, since February of 2000; and Kentucky, from  
14 a few days before Minnesota disaffiliated. Now, I can't  
15 think of much else to say about that. It's -- you know,  
16 all the information is there. And this has been known  
17 by a lot of people in the party for a long time. That's  
18 why they didn't make the challenge back in April, when  
19 the issue could have first become resolved.

20 GERALD MOAN: That's it. We will now proceed to the  
21 vote.

22 JIM MANGIO: All right. I'll call the roll.

23 KELLY ABT: Point of order.

24 GERALD MOAN: What's your point of order? Time out.

25 KELLY ABT: Mr. Scofield is a registered voter in

1 the Executive Committee.

2 SUE HARRIS DEBAUCHE: I state that I have evidence  
3 on record that Cedric Scofield is not a member in good  
4 standing of any affiliated recognized party of  
5 Minnesota; that he is sitting on the Executive Committee  
6 illegally; that the state party of Minnesota that was  
7 affiliated, of which he was a member, has disaffiliated  
8 itself and all its members away from the Reform Party.

9 Therefore, every vote since March 4th that  
10 Cedric Scofield cast has been illegal on the Executive  
11 Committee; therefore, I lodge that challenge. He is a  
12 registered voter in the State of Minnesota. He is not a  
13 member of any recognized affiliated state party.

14 UNIDENTIFIED SPEAKER: Just like Sue.

15 JIM MANGIO: Okay. The only rebut is from the  
16 person himself, which is Cedric.

17 GERALD MOAN: No. The only other person that should  
18 be able to talk to that is Cedric.

19 JIM MANGIO: Cedric, here he is.

20 GERALD MOAN: I don't care what the time is. We're  
21 not eating.

22 JUDY DUFFY: Are they going to be timed?

23 GERALD MOAN: Three minutes.

24 UNIDENTIFIED SPEAKER: Three minutes maximum. Keep  
25 a close watch on the clock.

1 the State of Minnesota.

2 GERALD MOAN: I recognize Kelly Abt. I recognize  
3 Kelly Abt.

4 KELLY ABT: Yes, Mr. Chairman. My only --

5 GERALD MOAN: It's a point of order, I hope.

6 KELLY ABT: It is a point of order, Mr. Chairman.

7 My point of order is for the successful, at least,  
8 communication in this meeting. And with -- at the  
9 present time, my point of inquiry, my question --

10 UNIDENTIFIED SPEAKER: Is there a question?

11 KELLY ABT: My statement, Mr. Chairman --

12 GERALD MOAN: Mr. Brass, you are not an official  
13 member of this body. And by graciousness, we have let  
14 you sit in the room.

15 UNIDENTIFIED SPEAKER: We're going to abide by the  
16 rules. Let's abide by the rules.

17 GERALD MOAN: Okay. Can you step outside? Time  
18 out. We have one point of order, and then we're going  
19 to the vote. Mr. Abt has the microphone.

20 KELLY ABT: I say an individual be elected to  
21 control the situation on the microphone so that we can  
22 have calm and fair communication.

23 UNIDENTIFIED SPEAKER: That's not a point of order.

24 GERALD MOAN: The ruling of the chair is the motion,  
25 and the traditional procedure of this body has been one

1 speaker for and one speaker against. I recognized the  
 2 chair of Wisconsin, but you voided your right when you  
 3 let Sue Debauche bring the challenge. You should have  
 4 brought the challenge. We will now proceed with voting.  
 5 UNIDENTIFIED SPEAKER: You wouldn't allow it, sir.  
 6 You didn't allow me to bring the challenge. Point of  
 7 order, sir. Mr. Cedric Scofield is not a registered  
 8 voter in Wisconsin.  
 9 UNIDENTIFIED SPEAKER: Let's vote.  
 10 UNIDENTIFIED SPEAKER: You would not allow me to  
 11 object.  
 12 JIM MANGIO: Okay. I'm going to call the roll.  
 13 Gerry, would you record this vote? I'm doing roll call.  
 14 GERALD MOAN: All right.  
 15 JIM MANGIO: I'm doing a roll call vote.  
 16 UNIDENTIFIED SPEAKER: State the vote.  
 17 UNIDENTIFIED SPEAKER: Take -- all night.  
 18 JIM MANGIO: If anyone calls for a roll call vote,  
 19 we have to do it. It's just democratic. I know it's  
 20 hard to imagine, but it's this thing called democracy.  
 21 UNIDENTIFIED SPEAKER: Standing vote.  
 22 JIM MANGIO: Can we have quiet so I can conduct the  
 23 roll, please?  
 24 UNIDENTIFIED SPEAKER: State the question.  
 25 UNIDENTIFIED SPEAKER: State your question.

1 JIM MANGIO: Robert Bird, Alaska.  
 2 ROBERT BIRD: Yes.  
 3 JIM MANGIO: Bob Davidson, Connecticut.  
 4 UNIDENTIFIED SPEAKER: No.  
 5 UNIDENTIFIED SPEAKER: He didn't read the names of  
 6 all the states.  
 7 UNIDENTIFIED SPEAKER: He's missing some members.  
 8 GERALD MOAN: Time out.  
 9 JIM MANGIO: I'm not reading the challenged states.  
 10 I thought we said challenged states don't vote.  
 11 UNIDENTIFIED SPEAKER: Standing vote.  
 12 UNIDENTIFIED SPEAKER: Mr. Chairman, a standing  
 13 vote.  
 14 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
 15 Point of order.  
 16 UNIDENTIFIED SPEAKER: Take control now.  
 17 UNIDENTIFIED SPEAKER: Shut up.  
 18 JIM MANGIO: We never allowed unchallenged --  
 19 GERALD MOAN: Chair has made the ruling. Everybody  
 20 in this room votes except on their own challenges.  
 21 UNIDENTIFIED SPEAKER: Point of order.  
 22 GERALD MOAN: I am calling for a standup vote.  
 23 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
 24 GERALD MOAN: All those in favor of a standup vote?  
 25 UNIDENTIFIED SPEAKER: Point of order.

1 JIM MANGIO: I will as soon as -- I'm going to call  
 2 the Executive Committee first. Gerry Moan, Cedric  
 3 Scofield, Jim Mangio, June Spink --  
 4 UNIDENTIFIED SPEAKER: No.  
 5 JIM MANGIO: -- Sue Harris Debauche --  
 6 UNIDENTIFIED SPEAKER: I'm sorry.  
 7 JIM MANGIO: We're voting on whether --  
 8 UNIDENTIFIED SPEAKER: No.  
 9 JIM MANGIO: Ann Merkl --  
 10 UNIDENTIFIED SPEAKER: No, because Cedric is just --  
 11 UNIDENTIFIED SPEAKER: Shut up.  
 12 GERALD MOAN: Thank you, Ann. Thank you very much.  
 13 UNIDENTIFIED SPEAKER: Say "yes" or "no."  
 14 JIM MANGIO: Mickey Summerhayes.  
 15 UNIDENTIFIED SPEAKER: No.  
 16 JIM MANGIO: Bob Belcher, Alabama.  
 17 BOB BELCHER: Yes.  
 18 JIM MANGIO: Milton Morrow, Alabama.  
 19 MILTON MORROW: Yes.  
 20 JIM MANGIO: John Van Sandt, Alabama.  
 21 JOHN VAN SANDT: Yes.  
 22 JIM MANGIO: Edward Wassell, Alaska.  
 23 EDWARD WASSELL: Yes.  
 24 JIM MANGIO: Bob Lynn, Alaska.  
 25 BOB LYNN: Yes.

1 GERALD MOAN: All those voting for a Cedric  
 2 Scofield, please stand. In the opinion of the chair,  
 3 Cedric Scofield is a recognized member of the committee.  
 4 UNIDENTIFIED SPEAKER: Point of order.  
 5 GERALD MOAN: Mr. Truachs, state your point of  
 6 order.  
 7 MR. TRUACHS: Point of order, sir. The chair is  
 8 acting in a reckless manner.  
 9 GERALD MOAN: Excuse me.  
 10 MR. TRUACHS: This is exactly against the rules of  
 11 this party, to allow challenged members to vote. You're  
 12 acting in a reckless manner, sir.  
 13 GERALD MOAN: Thank you. Your comments have been  
 14 noted. Point of order, Mr. Summerhayes.  
 15 MICKEY SUMMERHAYES: We took a roll call, so are you  
 16 nullifying the original roll call that Jim Mangio did?  
 17 I would like to get a ruling from the parliamentarian.  
 18 GERALD MOAN: No. The ruling of the parliamentarian  
 19 is an advisory opinion to the chair. The chair made a  
 20 ruling. It was not overruled.  
 21 UNIDENTIFIED SPEAKER: Gerry, when you have  
 22 everybody -- Gerry, when you have everybody stand up, I  
 23 happened to be standing up. I didn't even have time to  
 24 sit down on the floor.  
 25 GERALD MOAN: No, no. You said -- thank you. Okay.

1 Quiet in the room. Quiet in the room. Quiet in the  
 2 room. Quiet in the room. What is the next challenge?  
 3 UNIDENTIFIED SPEAKER: Point of order.  
 4 GERALD MOAN: Quiet. What's your order?  
 5 UNIDENTIFIED SPEAKER: Clarify what constitutes a  
 6 quorum.  
 7 UNIDENTIFIED SPEAKER: Go to the microphone.  
 8 GERALD MOAN: There's 160 people in the room.  
 9 That's a quorum.  
 10 UNIDENTIFIED SPEAKER: How many unchallenged?  
 11 SUE HARRIS DEBAUCHE: That is not true. Point of  
 12 order. Appeal the ruling of the chair. It's -- appeal  
 13 the ruling of the chair. I am an Executive Committee  
 14 member. There are people here that appeal this ruling.  
 15 GERALD MOAN: The point of order is invalid. The  
 16 ruling of the chair is a quorum. We asked for an  
 17 overruling of the chair. That failed. We will get  
 18 through this meeting. Those of you that are wishing to  
 19 stall it will not be successful.  
 20 JIM MANGIO: Ladies and gentlemen, this is an  
 21 illegal meeting, and I ask everyone who supports  
 22 democracy to leave the room. Let's go. I'm the  
 23 national secretary. We will leave.  
 24 UNIDENTIFIED SPEAKER: Go. Go.  
 25 GERALD MOAN: Those members that are leaving the

1 GERALD MOAN: Time out. Time out. Everybody please  
 2 take your seats. I am deputizing -- Robin, okay, I just  
 3 need a list -- deputizing Robin to give me a list. Jim  
 4 took everything. Okay. We're going to do a roll call.  
 5 Time out. Everybody, please sit down. Please sit down.  
 6 Please sit down. We're all friendlies in the room.  
 7 UNIDENTIFIED SPEAKER: Yes.  
 8 UNIDENTIFIED SPEAKER: Not quite.  
 9 GERALD MOAN: No, no. We're all friendlies in the  
 10 room. Please sit down.  
 11 Mickey, they will come after you for  
 12 (inaudible) before they would come after me for  
 13 everything else. Yeah, it's the April -- I have a list.  
 14 It's some list. What we're going to do is to establish  
 15 how many people we have in the room by roll call.  
 16 TIM HALINAN: Mr. Chairman, my point of order would  
 17 address that.  
 18 GERALD MOAN: Which is?  
 19 TIM HALINAN: I'm Tim Halinan, and I'm from Wyoming.  
 20 I think it would be important that we would have a roll  
 21 call vote on Cedric's issue, then we know who is in the  
 22 room. And we also add to the legitimacy of the vote.  
 23 Thank you.  
 24 GERALD MOAN: You sure you don't want to run for  
 25 chair? Tim, that's an excellent suggestion, and that's

1 room -- those members that are leaving the room have now  
 2 resigned from the National Committee, and I guess we  
 3 have Russ Kearney and Ross Perot to thank for it. Let  
 4 those folks out of the room since they have resigned  
 5 from the National Committee. I tried to be -- to be  
 6 (inaudible), but they wouldn't have it. All right.  
 7 I will ask security guards to please make sure  
 8 that the people are escorted out quickly and fervently,  
 9 and you'll ask the media to back up and let people out  
 10 of the room. Okay. People -- would somebody please  
 11 move those people out and -- who are preventing us from  
 12 conducting business.  
 13 UNIDENTIFIED SPEAKER: Mr. Chairman, I have a point  
 14 of order.  
 15 GERALD MOAN: Can we close -- everybody take your  
 16 seats that are official members of the National  
 17 Committee. The secretary -- everybody come in and sit  
 18 down. Let the show go on. The problem is that some  
 19 people don't believe democracy is called voting.  
 20 UNIDENTIFIED SPEAKER: Mr. Chairman --  
 21 UNIDENTIFIED SPEAKER: Good job, Mr. Chairman.  
 22 GERALD MOAN: Please close the doors.  
 23 UNIDENTIFIED SPEAKER: Lock the doors.  
 24 GERALD MOAN: I will need a deputy secretary.  
 25 UNIDENTIFIED SPEAKER: I vote for somebody for --

1 the way we'll do it. I need somebody to volunteer  
 2 that's not potentially a delegate to provide services as  
 3 a secretary.  
 4 UNIDENTIFIED SPEAKER: I motion for Bob Bowes to be  
 5 presiding secretary.  
 6 GERALD MOAN: He's a state under challenge, and he  
 7 is a state chair.  
 8 UNIDENTIFIED SPEAKER: No, I'm not challenged.  
 9 GERALD MOAN: Dave is okay. Bob Bowes --  
 10 MR. COOTER: Wait a minute.  
 11 GERALD MOAN: Okay. Bob, you be the guy.  
 12 UNIDENTIFIED SPEAKER: I second.  
 13 UNIDENTIFIED SPEAKER: I second.  
 14 GERALD MOAN: Come up, Bob. I deputize Bob, and  
 15 that's the power of the chair.  
 16 BOB BOWES: Thank you.  
 17 GERALD MOAN: Judy, do you have the final list, or  
 18 the list, or some list?  
 19 UNIDENTIFIED SPEAKER: Point of order, Mr. Chair.  
 20 GERALD MOAN: Yes, sir. Time out. Could we please  
 21 have order in the room.  
 22 UNIDENTIFIED SPEAKER: I question whether we have a  
 23 quorum in the room.  
 24 GERALD MOAN: My question -- the point of order that  
 25 was brought up previously will address that.

1 Bob, why don't you get up here so you can call  
2 them by name, okay, for purposes of roll call.  
3 UNIDENTIFIED SPEAKER: Gerry, there's people out in  
4 the hall that can't get in because the people won't let  
5 them in, and they're delegates.  
6 GERALD MOAN: Time out.  
7 UNIDENTIFIED SPEAKER: They haven't even been in  
8 here at all.  
9 GERALD MOAN: As some people have stated, there are  
10 members of the body that are outside that are being  
11 prevented from coming inside.  
12 UNIDENTIFIED SPEAKER: Yes.  
13 GERALD MOAN: So, therefore, security -- for  
14 example, folks are going to go out and determine who  
15 they are so that they can come back in, and we will have  
16 a short recess like for a second and a half. Don't get  
17 caught in the melee. Listen, if we attempt anything,  
18 you know what will be the phrase; so, therefore, if you  
19 go out into the melee, be professional, be courteous,  
20 and stay here.  
21 UNIDENTIFIED SPEAKER: Tell us when to return.  
22 GERALD MOAN: The house says stay here. So stay  
23 here.  
24 UNIDENTIFIED SPEAKER: Put a time on when you want  
25 to reconvene, Mr. Chairman.

1 GERALD MOAN: Oh, okay.  
2 CAJUN JAMES: And I'm a chairman of the Lincoln  
3 County Reform Party.  
4 GERALD MOAN: Okay. Let's all sit down and remain  
5 calm. We're going to call the roll four times. We're  
6 going to call the roll, or you just want me to hold up?  
7 Those of you that go to the bathroom --  
8 JUDY DUFFY: Would the gentleman that wanted to be  
9 here that hadn't signed in, could he come over and make  
10 sure he has registered?  
11 GERALD MOAN: Judy, all right. Everybody sit down.  
12 We've got enough -- all right. If you have to go for a  
13 biological reason, make sure that -- where is Judy  
14 Duffy?  
15 JUDY DUFFY: (Indicating.)  
16 UNIDENTIFIED SPEAKER: Mr. Moan, Chairman, could you  
17 go through this door here (indicating) and be escorted  
18 by security through this door?  
19 GERALD MOAN: For purposes of biological  
20 sophistication, we are going to take a five- or  
21 ten-minute recess. So be back in the hall by quarter to  
22 1:08.  
23 KELLY ABT: Mr. Chairman, point of order.  
24 Mr. Chairman.  
25 GERALD MOAN: Yeah.

1 GERALD MOAN: No, no. It's not going to be long  
2 enough to determine a time. As soon as they -- I want  
3 everybody to stay here.  
4 UNIDENTIFIED SPEAKER: Restroom.  
5 UNIDENTIFIED SPEAKER: We need a restroom break.  
6 GERALD MOAN: It's the only place we can be  
7 protected from outsiders.  
8 UNIDENTIFIED SPEAKER: I'm saying --  
9 KELLY ABT: Point of order, Mr. Chairman. I move  
10 that we stay in session and take care of business of the  
11 National Committee.  
12 GERALD MOAN: Okay.  
13 CAJUN JAMES: Mr. Chairman, now -- Cajun James from  
14 Montana. My plane just came in, and I was prevented  
15 from being able to enter the room. I have been a  
16 national delegate -- or National Committee member.  
17 Excuse me. And I'm on the list. I was lawfully elected  
18 in my state. There are no known challenges to Montana.  
19 There is no other Reform Party other than the one we  
20 built.  
21 GERALD MOAN: Okay. Is that Cajun James?  
22 CAJUN JAMES: Pardon?  
23 GERALD MOAN: Okay. You're the state chair, right?  
24 CAJUN JAMES: No, sir. I'm a National Committee  
25 member.

1 KELLY ABT: Could we -- before the members leave,  
2 could we ask the members to hold off for just a moment,  
3 Mr. Chairman?  
4 GERALD MOAN: Everybody stop in your tracks. What's  
5 the problem, Kelly?  
6 KELLY ABT: Well, my concern is: Do we have access  
7 back into this room? Okay. All right.  
8 GERALD MOAN: Security forces for us members of the  
9 National Reform Party. All right. Take your break and  
10 hurry back.  
11 (Recess taken.)  
12 GERALD MOAN: Again, back to the air of  
13 professionalism that we're all going to maintain. The  
14 media folks have been so patient, I will give them every  
15 courtesy. The business of the party will continue in a  
16 serious, professional, and what -- we know what our  
17 mission is, so I would expect everybody to act with a  
18 professional demeanor. Okay?  
19 The next order of the day is due to  
20 Mr. Ventura's illogical defection from the party and a  
21 subsequent action of the Minnesota Executive Committee.  
22 They chose to withdraw between the national meeting,  
23 where they were seated, and today. Even though the  
24 three National Committee members from Minnesota were  
25 recognized on the web site, there was an official

1 business to do. And I will entertain a motion to  
2 provisionally recognize the National Committee members  
3 from the State of Minnesota for Mr. Reed.

4 JOHN MITCHELL: I so move.

5 GERALD MOAN: So moved by Mr. Mitchell.

6 UNIDENTIFIED SPEAKER: Second that.

7 UNIDENTIFIED SPEAKER: Second that.

8 GERALD MOAN: Would you like to comment on the  
9 motion?

10 CEDRIC SCOFIELD: I would like to read a motion --

11 GERALD MOAN: That would be perfect.

12 CEDRIC SCOFIELD: -- resolution.

13 UNIDENTIFIED SPEAKER: Can you come to the  
14 microphone?

15 GERALD MOAN: Microphone, Cedric. Get used to this,  
16 buddy.

17 CEDRIC SCOFIELD: This is a resolution for  
18 provisional recognition of the Minnesota Reform Party.

19 Whereas, a Minnesota Reform Party was founded at a  
20 founding convention held April 7th in the year 2000,  
21 pursuant to a public, founding convention call, for  
22 purpose of the affiliation of the United States of  
23 America;

24 Whereas, the Minnesota Reform Party has  
25 requested affiliation with the Reform Party of the

1 UNIDENTIFIED SPEAKER: No.

2 GERALD MOAN: We must establish --

3 TIM HALINAN: There has not been a quorum call by  
4 individual. Call a name, "So and so is here." Let's  
5 make a good legal case that we are a quorum. It's very  
6 simple. One quorum vote on this issue.

7 UNIDENTIFIED SPEAKER: I object to the consideration  
8 of that motion.

9 KELLY ABT: Mr. Chairman --

10 GERALD MOAN: Time out, Mr. Abt. What we are doing  
11 is establishing a number in the room, and the  
12 substantive business -- we will establish a quorum call  
13 before the substantive business that comes before the  
14 party. And, Kelly, you have a --

15 KELLY ABT: I just -- I move that the motion not be  
16 considered.

17 UNIDENTIFIED SPEAKER: Second.

18 UNIDENTIFIED SPEAKER: Second.

19 UNIDENTIFIED SPEAKER: Second.

20 GERALD MOAN: You make a motion that it not be  
21 considered.

22 UNIDENTIFIED SPEAKER: He's objected to the  
23 consideration.

24 KELLY ABT: Motion to object to the consideration.

25 BOB BOWES: Motion to table, sir.

1 United States of America and forwarded copies of the  
2 founding convention call, founding convention minutes,  
3 Constitution and Bylaws, and Federal Election Commission  
4 and Minnesota Financial Disclosure Board filings to the  
5 Reform Party of the United States of America Credentials  
6 Committee;

7 Resolved, that the Minnesota Reform Party be  
8 granted provisional state organization recognition and  
9 that Moonyman Bergoords, Robert Ingram, Mike Meuxium be  
10 seated as the members of the National Committee.

11 GERALD MOAN: I thought Chicago was the windy city.  
12 Is there a second to the motion?

13 UNIDENTIFIED SPEAKER: Second.

14 UNIDENTIFIED SPEAKER: Second.

15 GERALD MOAN: Seconded by the room.

16 UNIDENTIFIED SPEAKER: Can I have that resolution?

17 GERALD MOAN: Mr. Bowes is acting as my secretary.  
18 He will not have to sit on my lap. Says the White House  
19 and I have no illusions.

20 TIM HALINAN: Point of order, Mr. Chairman.

21 GERALD MOAN: Yes, sir, Mr. Halinan.

22 TIM HALINAN: That on the -- I'm Tim Halinan from  
23 Wyoming. When we vote on this, I request we vote as a  
24 roll call; and we'll see if we have a quorum, and we can  
25 guarantee that.

1 GERALD MOAN: Motion to table, is that what it is?

2 UNIDENTIFIED SPEAKER: He was objecting to the  
3 consideration of the motion. If we vote to it, it's  
4 objected --

5 KELLY ABT: Mr. Chairman --

6 GERALD MOAN: Help me to clarify what you're  
7 objecting to.

8 KELLY ABT: I am objecting to the motion made by the  
9 other member who made a motion that a roll call be made.  
10 And I made a motion not to consider.

11 UNIDENTIFIED SPEAKER: Why don't you make it  
12 substantive to have a standing vote.

13 DAVE GOLDMAN: A substitute motion, Mr. Abt, if I  
14 may.

15 GERALD MOAN: Mr. Goldman?

16 DAVE GOLDMAN: Mr. Chairman, if I could make a  
17 substitute motion for Mr. Abt's motion. I would move  
18 that we table the motion to conduct to determine if we  
19 have a quorum until such time as we finish the  
20 credentialing process and hear the challenges.

21 UNIDENTIFIED SPEAKER: I move to object to the  
22 consideration of that motion, as well.

23 GERALD MOAN: Time out, guys. Let's line up. We're  
24 objecting to object to the objection. Is that what I  
25 understand?

1 DAVE GOLDMAN: Mr. Chairman, may I approach the  
2 chair?  
3 GERALD MOAN: Yes, sir.  
4 UNIDENTIFIED SPEAKER: Mr. Chairman, my point of  
5 order, I have something that may be of interest. I  
6 would withdraw my point of order, and I would request we  
7 go ahead and credential our states, then we will have a  
8 quorum.  
9 GERALD MOAN: That's correct. On the motion to give  
10 provisional recognition to Minnesota, I need all those  
11 in favor to stand up and yell "Aye." All those opposed,  
12 stand up and say "Nay."  
13 (Approximately two nays.)  
14 GERALD MOAN: So recorded. Will the three members  
15 from Minnesota stand up and -- okay. Welcome. Are  
16 there other members in the room? What's the first  
17 state, Bob?  
18 BOB BOWES: Alabama.  
19 GERALD MOAN: Any challenges to Alabama?  
20 UNIDENTIFIED SPEAKER: None.  
21 UNIDENTIFIED SPEAKER: No, sir.  
22 GERALD MOAN: Somebody needs to check the hall if  
23 anybody -- Bob, where is Belcher?  
24 BOB BELCHER: Right here (indicating).  
25 GERALD MOAN: Bob, is there any challenge to you in

1 few minutes.  
2 GERALD MOAN: Ray is here?  
3 UNIDENTIFIED SPEAKER: Ray is present, and so is  
4 Brian.  
5 GERALD MOAN: Great. Thank you. Is Colorado in the  
6 room?  
7 UNIDENTIFIED SPEAKER: They're right outside,  
8 Mr. Chairman. Should I bring them in?  
9 UNIDENTIFIED SPEAKER: Challengers are outside.  
10 UNIDENTIFIED SPEAKER: Mr. Chairman, what was your  
11 rule on California?  
12 GERALD MOAN: You three are the National Committee  
13 members of the State of California. The next four  
14 states that we will consider challenges are Connecticut,  
15 D.C., Delaware, and Florida.  
16 DAVE GOLDMAN: Connecticut, D.C.?  
17 GERALD MOAN: Delaware and Florida, anybody out  
18 there? Do we have a challenger from Colorado? Please  
19 take the microphone. Hurry. Is the existing delegation  
20 from Colorado present?  
21 UNIDENTIFIED SPEAKER: They left.  
22 GERALD MOAN: Okay. All right. Please comment --  
23 forget it. Let's get on with business.  
24 Dan, state your challenge to the state briefly.  
25 DAN CHARLES: My name is Dan Charles. I'm the chair

1 the original set of stuff?  
2 BOB BELCHER: None, sir.  
3 GERALD MOAN: Okay. So for purposes of challenge,  
4 is there any challenges to the State of Arkansas?  
5 Basically, what's happening, we're asking outside to  
6 make sure that all of our bases are covered.  
7 UNIDENTIFIED SPEAKER: Arizona is next.  
8 GERALD MOAN: All right. I just want to establish  
9 that the people challenged Arkansas, and what that  
10 challenge consisted of was their state chair deciding to  
11 have a meeting in his house, call it a convention, and  
12 say that the two gentlemen that are present here that  
13 spent their money here cannot be here. So that was the  
14 essence of the challenge. It was a lot of things that  
15 didn't comport to -- part of it was the Arkansas State  
16 Constitution and its election laws.  
17 Is there any challenges, inside or outside the  
18 room, of Arizona? Any challenges, inside or outside the  
19 room, of Arizona? The officially recognized National  
20 Committee members will stand up. Russ and Margo  
21 Whittenberg and Gene Kirkman are state chair.  
22 Anybody here from California? Are there any  
23 oppositions to California? Being no opposition,  
24 California is -- Susan, are you standing alone?  
25 SUE HARRIS DEBAUCHE: Yes. They're out just for a

1 of the Colorado Freedom Party. We were formed on the  
2 28th of May, after being locked out of all political  
3 processes by the Colorado Reform Party. Subsequent to  
4 that, we both held conventions. At our convention, we  
5 elected full states of delegates and National Committee  
6 members, officers, all in accordance with the provisions  
7 of both the National Constitution and our own  
8 Constitution, as well as the state laws of the State of  
9 Colorado.  
10 At the Colorado Reform Party convention, they  
11 went about the business of reversing all of the rules  
12 required to lock us out of the process in order to  
13 include Natural Law Party members in their processes.  
14 In disgust, several of their National Committee members  
15 resigned, including Ray Lashly -- this is a copy of his  
16 letter of resignation (indicating) -- and Robert Wilson.  
17 Michael Corbitt did not resign and did, however, walk  
18 into our convention.  
19 Following that, their entire Executive  
20 Committee collapsed. They went about the business,  
21 among the three members remaining, of appointing  
22 replacements. That committee then changed the bylaws,  
23 and they elected their three National Committee members  
24 simply by changing the bylaws instead of at a state  
25 convention.

1 GERALD MOAN: Dan, I hate to cut you off, but that's  
2 your three minutes of fame.  
3 UNIDENTIFIED SPEAKER: That's just about what I was  
4 going to say.  
5 GERALD MOAN: Is there a member that rises in  
6 opposition?  
7 UNIDENTIFIED SPEAKER: Point of order.  
8 GERALD MOAN: Yes, sir.  
9 UNIDENTIFIED SPEAKER: Are we now allowing a  
10 political party from a different political party, other  
11 than the Reform Party, to challenge Reform Party  
12 affiliated states? This is a Reform Party. We've also  
13 heard there are Natural Law Parties that are challenging  
14 Reform Parties. Are we going to allow this?  
15 GERALD MOAN: No, no, no, no. Bob, if you let me  
16 finish, the thing is, what we've established in some  
17 states, that there are people that were not allowed to  
18 participate in the Reform Party. And in some cases,  
19 that, you know, the body is going to decide. What is  
20 these cards everybody is showing me?  
21 DAN CHARLES: Oh, these cards that we're showing,  
22 these are our membership cards in the Colorado Reform  
23 Party. We are -- all three of us are dues-paying  
24 members, all registered to vote Colorado Reform.  
25 GERALD MOAN: Other thing, Bob, is: Some cases,

1 waste of time, and it's not within the party rules.  
2 GERALD MOAN: Yeah. But, Bob, the problem is -- and  
3 I can talk to Colorado since I was involved in the  
4 process. I begged and pleaded with the State of  
5 Colorado, people that I know, that I've worked with for  
6 years, to be inclusionary. I said, "Let's go negotiate.  
7 You guys sit at this end of the table, and you sit at  
8 this end of the table. And if you want to come together  
9 as one party under the Reform Party name, let's get it  
10 done. You negotiate every position. You negotiate  
11 every congressional district."  
12 And the reply from the Colorado Reform Party  
13 leadership was -- and in some cases, not all of the  
14 leadership -- was, "We don't want them in our party."  
15 Well, our party means that both sides of the table are  
16 part of that party, both sides of the table.  
17 Now, the thing is, they are card-carrying  
18 members of the Colorado Reform Party. And because they  
19 decided we're not challenging Nevada, who's decided,  
20 because of their election law, to call themselves  
21 citizens first, we're not challenging them at all. So  
22 the voters of this body will decide the direction of  
23 this party.  
24 TIM MILLER: Point of order, sir.  
25 GERALD MOAN: Yes, sir.

1 they may not be able to use the name of the Reform Party  
2 for any part of --  
3 BOB BATCHELDER: Why don't we challenge Reform Party  
4 as Reform Party.  
5 GERALD MOAN: I can answer that. Time out. Bob,  
6 why don't you come to the mike so everybody can hear  
7 you, as well.  
8 DAN CHARLES: May I respond to that question?  
9 GERALD MOAN: Listen, this is a National Committee  
10 meeting. Everybody is in the same boat as we speak.  
11 Bob, go ahead.  
12 BOB BATCHELDER: Why aren't they being challenged  
13 as -- why aren't they challenging as members of the  
14 Reform Party? Why are they being allowed to challenge  
15 as members of a completely entirely different political  
16 party?  
17 This would be the same thing as if they went  
18 back and joined the Republican Party and then came into  
19 this convention hall in this National Committee meeting  
20 and challenged the Reform Party of the state they're  
21 challenging from as Republicans or as Democrats or as  
22 Natural Law or as Libertarians, only in this case, it's  
23 Freedom Party are being allowed to do that. Why are we  
24 allowing members of other parties to challenge our  
25 organization? I think that's frivolous, and it's a

1 TIM MILLER: I respectfully request we deal with the  
2 clear matter of bifurcation of noninterparty disputes  
3 last and deal with intraparty disputes first. This has  
4 been brought up many times before this, early --  
5 GERALD MOAN: Well, let the body decide in Colorado,  
6 since the arguments have been heard.  
7 UNIDENTIFIED SPEAKER: Call for the question.  
8 GERALD MOAN: Call the question. The question is  
9 called.  
10 UNIDENTIFIED SPEAKER: Second.  
11 GERALD MOAN: Thank you. On the question, all those  
12 in favor of seating members -- card-carrying members of  
13 the Colorado Reform Party, known as the Colorado Freedom  
14 Party, signify by standing up and saying "Yes!"  
15 (Majority stand up.)  
16 UNIDENTIFIED SPEAKER: Vote.  
17 UNIDENTIFIED SPEAKER: Vote.  
18 GERALD MOAN: All those opposed? I'm sorry, Bob.  
19 Stand up, please.  
20 UNIDENTIFIED SPEAKER: I'm sorry. I oppose -- I'm  
21 sorry. I can't accept that.  
22 UNIDENTIFIED SPEAKER: That's too bad.  
23 GERALD MOAN: How many people are opposed? Please  
24 stand up so we have a record for the roll. About two.  
25 UNIDENTIFIED SPEAKER: Abstain.

1 GERALD MOAN: And an abstention -- two abstentions,  
 2 three, four. Stand up, abstentions. I want to get  
 3 everybody exercise. About four abstentions.  
 4 Are there any challenges to Connecticut in the  
 5 room?  
 6 BOB BOWES: I'll state the names.  
 7 GERALD MOAN: You know what? For this purpose,  
 8 anybody who wants to challenge, come in. They can stand  
 9 there and --  
 10 BOB BOWES: What are the names of -- the Colorado  
 11 new names?  
 12 GERALD MOAN: Colorado names, Dan Charles, your  
 13 members?  
 14 DAN CHARLES: Oh, Perry Moore Ellis and Patrick  
 15 Dolan.  
 16 GERALD MOAN: Yes.  
 17 UNIDENTIFIED SPEAKER: Mr. Chairman, for the record,  
 18 would you please state that the new Colorado members are  
 19 eligible to vote?  
 20 GERALD MOAN: In what?  
 21 UNIDENTIFIED SPEAKER: Subsequent voting.  
 22 Subsequent voting from here on.  
 23 GERALD MOAN: They've been accepted for membership.  
 24 in this committee. That gives them the privilege to  
 25 vote, yeah.

1 TIM MILLER: Was there a ruling on my  
 2 recommendation?  
 3 GERALD MOAN: Which one, Tim? I'm sorry.  
 4 TIM MILLER: To pause on alphabetical listing in  
 5 matters of clear bifurcation or noninterparty disputes,  
 6 to save those until last?  
 7 GERALD MOAN: Everybody understand what he said?  
 8 UNIDENTIFIED SPEAKER: No.  
 9 GERALD MOAN: Explain it in English. I'm not --  
 10 TIM MILLER: When there's clear issues of two  
 11 parties competing for SPO recognition, those should be  
 12 saved until the end. This party has been given the  
 13 power to deal with interparty disputes very clearly.  
 14 The other is less clear. Let's get to the very clear  
 15 ones first.  
 16 GERALD MOAN: I see what you're saying now. I think  
 17 what Tim is saying -- and correct me if I'm wrong --  
 18 there is certain authority vested in the National  
 19 Committee that is not vested in -- the National  
 20 Committee versus the National Convention, is that  
 21 your --  
 22 TIM MILLER: That's correct. Some are clear, and  
 23 some are less --  
 24 GERALD MOAN: Some are less clear. Okay. That's  
 25 fine.

1 TIM MILLER: It's very clear we are dealing with  
 2 intraparty disputes; therefore, deal with those first.  
 3 Save the clear matters of bifurcation for interparty  
 4 disputes.  
 5 GERALD MOAN: I can say I agree with that ruling.  
 6 UNIDENTIFIED SPEAKER: Mr. Chairman, we're not  
 7 deciding affiliation here in the case of the Colorado  
 8 Freedom Party. What we are doing is deciding who the  
 9 affiliated members are. And since there is no  
 10 opposition -- they did not show up.  
 11 GERALD MOAN: Don't use the word "affiliation" with  
 12 regard --  
 13 UNIDENTIFIED SPEAKER: I'm saying we're not doing  
 14 that.  
 15 GERALD MOAN: They are the registered members?  
 16 UNIDENTIFIED SPEAKER: Correct. And if the state's  
 17 National Committee members are not present, they are  
 18 forfeiting their rights to be seated here in this  
 19 meeting. It was in done in Nashville. In the case of  
 20 the New Jersey situation, we're not changing  
 21 affiliation. We're just simply seating members of that  
 22 state to the National Committee.  
 23 GERALD MOAN: That's correct. We're not determining  
 24 affiliation. That would be decided by the Credentials  
 25 Committee, with Mr. Reed as a chair.

1 KELLY ABT: Point of order, Mr. Chairman. I want to  
 2 get up and speak on behalf of going in alphabetical  
 3 format and suggest we go ahead and handle all these  
 4 disputes in the methods which are currently under way.  
 5 And, in fact, in each of these situations where we're  
 6 looking at National Committee members and who is a  
 7 member of this committee, this body certainly has the  
 8 ability to make that determination on its own. And I'll  
 9 just close with that statement.  
 10 GERALD MOAN: Thank you.  
 11 UNIDENTIFIED SPEAKER: Mr. Chairman?  
 12 GERALD MOAN: Alphabetical is the rule of the day,  
 13 Gerry. Thanks.  
 14 UNIDENTIFIED SPEAKER: Mr. Chairman, I need to make  
 15 one point of clarification, please. This gentleman  
 16 here, what's your --  
 17 TIM MILLER: Tim Miller.  
 18 UNIDENTIFIED SPEAKER: Tim Miller, Arkansas, he made  
 19 a point of distinction between bifurcation of parties --  
 20 two opposing parties in the same state. But we have two  
 21 situations with interparties. One is Virginia. One is  
 22 certainly (inaudible) in the case of Georgia. Georgia  
 23 Freedom Party owns the corporation papers for the  
 24 Georgia Reform Party, so it's an interparty problem.  
 25 GERALD MOAN: Jerry, that would be a matter as you

1 bring it to the original Credential Committee.  
 2 UNIDENTIFIED SPEAKER: Thank you.  
 3 GERALD MOAN: Moving right along, as we have,  
 4 Connecticut, any challenge? No challenge. If so, the  
 5 former delegation is here.  
 6 BOB BOWES: Bob Davidson, Donna Donovan, Loretta  
 7 Farren.  
 8 GERALD MOAN: They've voted with their feet.  
 9 BOB BOWES: No challenge.  
 10 GERALD MOAN: No challenge. They're still members.  
 11 All that is, is they're not present. Time out. The  
 12 only challenges -- there is no challenges from  
 13 Connecticut. There was no challenges in the beginning.  
 14 There's no challenges now.  
 15 BOB BOWES: D.C.  
 16 GERALD MOAN: D.C., District of Columbia. I'm  
 17 assuming --  
 18 BOB BOWES: (Inaudible) is the only one.  
 19 JOHN HEMINGWAY: Mr. Chairman, thank you for hearing  
 20 our presentation today. My name is John Hemingway. I'm  
 21 chairman of D.C. Reform Committee. I'm accompanied by  
 22 Andrew Parker and Phil Alexander, who are also members.  
 23 The nut -- the numb -- how can I say? The nut -- the  
 24 essence of our problem is an interpretation of the  
 25 bylaws, the bylaws of the District of Columbia Reform

1 alternate delegates.  
 2 GERALD MOAN: Frank --  
 3 JOHN HEMINGWAY: That's my presentation. I don't  
 4 need more time.  
 5 GERALD MOAN: Now or tomorrow, or is it an  
 6 affiliation question? Are you from the same Reform  
 7 Party?  
 8 UNIDENTIFIED SPEAKER: Same SPO.  
 9 GERALD MOAN: Same state affiliated organizations?  
 10 UNIDENTIFIED SPEAKER: Absolutely. Same name, same  
 11 place, same everything, same ideas to expand the  
 12 importance and influence of the Reform Party of the  
 13 District of Columbia.  
 14 UNIDENTIFIED SPEAKER: I just want to ask a  
 15 question. When they said for "some time," can you give  
 16 us an idea, was it a month, two months?  
 17 UNIDENTIFIED SPEAKER: No, I can't, because that's  
 18 in the mind of the opponents who were, in effect,  
 19 unilaterally amending the bylaws without authority.  
 20 GERALD MOAN: Okay.  
 21 UNIDENTIFIED SPEAKER: We don't believe there is  
 22 such an undefinable measure of time.  
 23 UNIDENTIFIED SPEAKER: Gerry, I think this is one of  
 24 those cases where this group claims to be members of the  
 25 affiliated state party organization, the D.C. Reform

1 Party.  
 2 We, the District of Columbia Reform Party,  
 3 require that in order to vote or to participate in major  
 4 convention nomination of delegations is that you must be  
 5 a citizen of the United States of America, and you must  
 6 be a resident of the District of Columbia. A number of  
 7 people appeared with exactly those qualifications,  
 8 including myself. And the chairman of the meeting, one  
 9 Donna Wachs, said that it was only common sense that  
 10 people should be registered in the party for some time  
 11 before being allowed to vote for anything.  
 12 Well, the bylaws don't mention "some time."  
 13 They have only two qualifications: Citizen of the  
 14 United States and resident of the District of Columbia.  
 15 Everybody there who walked out of the meeting, when it  
 16 became clear that it was going to be a rigged meeting,  
 17 and the outnumbered -- the people who stayed in the room  
 18 went outside and elected a proper delegation, which we  
 19 believe we represent here today for the Reform Party.  
 20 A note containing this was sent to Mr. Frank  
 21 Reed, Reform Party Credentials Committee, on July 23rd.  
 22 And a list of the officers elected at that meeting and  
 23 the delegates were presented to him. We think we're in  
 24 order, and we note at the present time there is no  
 25 opposition to seating of these delegations from

1 Party. But they were denied the right to participate  
 2 unfairly or in violation of their bylaws. And I think  
 3 this group can decide that question.  
 4 If they agree that they were unfairly, or in  
 5 violation of the rules, denied the right to participate,  
 6 then I think they would be empowered to make a decision  
 7 on that basis. If they don't agree that that happened,  
 8 then they should stick with the D.C. Reform Party report  
 9 by the state party chair.  
 10 UNIDENTIFIED SPEAKER: Question?  
 11 UNIDENTIFIED SPEAKER: Call for the question.  
 12 GERALD MOAN: Is there a call to entertain a motion  
 13 to accept the members from D.C. as present, standing  
 14 before you?  
 15 UNIDENTIFIED SPEAKER: The other side here?  
 16 UNIDENTIFIED SPEAKER: No, none of them are here.  
 17 GERALD MOAN: The motion has been made. William  
 18 Shields -- and has been duly seconded by Russ  
 19 Whittenberg on the question. All those in favor of  
 20 seating this delegation from D.C. before you -- don't  
 21 get testy over there -- all stand up and say "Aye."  
 22 (Majority stand up.)  
 23 GERALD MOAN: All those opposed? Is there any  
 24 opposition?  
 25 UNIDENTIFIED SPEAKER: No.

1 BOB BOWES: Any abstentions?  
 2 UNIDENTIFIED SPEAKER: I do.  
 3 GERALD MOAN: Jack Paulson, two abstentions.  
 4 UNIDENTIFIED SPEAKER: Yeah.  
 5 GERALD MOAN: Okay. All right. Moving -- thank  
 6 you -- to the members of D.C., please identify yourself.  
 7 UNIDENTIFIED SPEAKER: The District of Columbia  
 8 Reform Party thanks the chair and thanks fellow members.  
 9 And the new members are Phil Alexander, Andrew Parker,  
 10 and John Hemingway, who is chairman of the party.  
 11 GERALD MOAN: Great. Thank you.  
 12 UNIDENTIFIED SPEAKER: Thank you.  
 13 GERALD MOAN: There was no challenge to Delaware, as  
 14 I'm aware.  
 15 Florida, any challenge to Florida?  
 16 DAVE GOLDMAN: Yes, sir.  
 17 GERALD MOAN: Huh?  
 18 DAVE GOLDMAN: As befits only the Reform Party, I  
 19 challenge myself. If I can explain, sir.  
 20 GERALD MOAN: Only Dave could do that. All right.  
 21 Come on, let's go. We've got business to conduct.  
 22 DAVE GOLDMAN: The membership of our party issued a  
 23 call for a state convention in Gainesville on  
 24 August 5th. At that convention, James (inaudible) and  
 25 Jim McConnell were elected -- elected to the National

1 not held within the requisite 30-day notice. Article 2,  
 2 Section 10 provides that there needs to be a 30-day  
 3 notice. Their notice was sent out on July 17th, and  
 4 they set it for the same date and time. They set it for  
 5 August 5th, to give you chronology, Mr. Chair.  
 6 GERALD MOAN: All I want to know: Was there a  
 7 separate meeting?  
 8 DAVE GOLDMAN: Yes, there was. But it was illegally  
 9 called.  
 10 GERALD MOAN: Fine. On the motion, is there a  
 11 second?  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 UNIDENTIFIED SPEAKER: Second.  
 14 GERALD MOAN: The motion is to accept the three  
 15 members of Florida and reaffirm whatever Dave said.  
 16 DAVE GOLDMAN: To affirm the results of the  
 17 Gainesville convention.  
 18 GERALD MOAN: Thank you. All those in favor, stand  
 19 up and say "Aye."  
 20 (Majority stand up.)  
 21 GERALD MOAN: All those opposed?  
 22 UNIDENTIFIED SPEAKER: No.  
 23 GERALD MOAN: Any abstentions, stand up with your  
 24 abstentions, please. We've got three. Frank's going to  
 25 have a good day tomorrow. You're going to have a good

1 Committee. Article 2, Section 10 of our bylaws grants  
 2 our members the right to call a convention. They called  
 3 the convention, and they elected these three people  
 4 National Committee members.  
 5 What we have to understand, there is a bylaw in  
 6 our rules under Article 3, Section 1, that says, and I  
 7 quote, "State Executive Committee member may not hold,"  
 8 quote, "more than one office which is subject to  
 9 election by party membership." In the case of our  
 10 National Committee, the three members listed -- myself,  
 11 (inaudible), and Pauline Klein -- are each members of  
 12 the National Committee and the state Executive  
 13 Committee.  
 14 In other words, the results are, we are  
 15 ineligible to serve. So the elections -- what I'm  
 16 asking this body to do is to affirm, one, the results of  
 17 the convention that the members called, per Article 2,  
 18 Section 10, to affirm the convention in Gainesville;  
 19 and, two, to affirm the results of that convention with  
 20 respect to these three individuals as National Committee  
 21 members: Elaine James, Barbara Susko, and Jim  
 22 McConnell. And I would so move the body at this time.  
 23 GERALD MOAN: Question on the motion. Was there  
 24 another state convention?  
 25 DAVE GOLDMAN: There was, but it was not -- it was

1 day. You're on your own.  
 2 Is there any challenges from Georgia?  
 3 DAVE GOLDMAN: Thank you, Mr. Chairman.  
 4 GERALD MOAN: Thank you to the delegates from  
 5 Florida. Okay. Time out. Georgia, who speaks for  
 6 Georgia?  
 7 UNIDENTIFIED SPEAKER: Well, I think that's a good  
 8 question.  
 9 UNIDENTIFIED SPEAKER: Yes, Mr. Chair.  
 10 GERALD MOAN: Name, state.  
 11 DAVID DENNY: My name is David Denny. This is  
 12 Charles Collins and the Georgia Reform Party. These  
 13 are -- these two folks are from Freedom Party. We have  
 14 a contention of which is the actual party that  
 15 represents the State of Georgia. We are the affiliated  
 16 state party, Reform Party, of Georgia. We were --  
 17 Mr. Collins and I were the alternates.  
 18 GERALD MOAN: Okay. If this is an affiliation  
 19 question --  
 20 DAVID DENNY: Yes, sir.  
 21 GERALD MOAN: -- it is not in the purview of the  
 22 National Committee to hear that here. That will be  
 23 under the National Convention credentialing process.  
 24 Okay? You understand that's the bifurcation thing that  
 25 Tim was talking about?

1 DAVID DENNY: Yes, sir.  
 2 GERALD MOAN: Therefore, it will be handled by the  
 3 National Credentialing Committee.  
 4 DAVID DENNY: Yes, sir. And we are -- Mr. Collins  
 5 and I are the alternates to the national party from --  
 6 affiliated party of Georgia.  
 7 GERALD MOAN: I think (inaudible) put out something  
 8 to that effect.  
 9 DAVID DENNY: Yes, sir.  
 10 GERALD MOAN: Charles and the other gentleman --  
 11 again, your name?  
 12 DAVID DENNY: Dave Denny.  
 13 GERALD MOAN: Dave. And what is your name, sir?  
 14 JAMES HARGRAVE: Hargrave, James Hargrave. This is  
 15 my wife, Nan.  
 16 GERALD MOAN: All you folks make sure you have  
 17 proper hookup with Frank Reed. Make sure your time and  
 18 date have been established for the love-in at the  
 19 Credentials Committee tomorrow.  
 20 UNIDENTIFIED SPEAKER: One of the things I'm just  
 21 curious about. One of the things I was just curious  
 22 about. I guess this has happened in other states on the  
 23 differences that have developed, you might say, with the  
 24 native Reform Party where, in our case, they wouldn't  
 25 hold a convention because too many Buchananites are

1 UNIDENTIFIED SPEAKER: Yeah. The only other thing  
 2 was, I didn't want to give the impression that everybody  
 3 in the Georgia Freedom Party -- officially, that's what  
 4 we're called -- were not -- were not and had not been  
 5 affiliated with the Reform Party, you know.  
 6 GERALD MOAN: We've got a lot -- we're going to go  
 7 forward. Thank you. And we'll see you tomorrow.  
 8 DAVID DENNY: Gerry, Ann said would you go ahead and  
 9 seat us as the alternates today on the National  
 10 Committee?  
 11 GERALD MOAN: Yeah. I mean, for purposes of quorum,  
 12 you could be seated, but knowing that there's a  
 13 challenge of the whole affiliation. That's something we  
 14 can't do at the National Committee.  
 15 UNIDENTIFIED SPEAKER: Right.  
 16 GERALD MOAN: David Denny and Charles Collins are  
 17 here for Georgia.  
 18 BOB BOWES: Yes, sir.  
 19 GERALD MOAN: And the affiliation question will be  
 20 handled by tomorrow.  
 21 TIM MILLER: They're on the web site.  
 22 GERALD MOAN: They're on the web site as duly  
 23 registered by the secretary. Okay. Now, let's not go  
 24 there.  
 25 Anybody here from Hawaii?

1 coming into the party and that kind of stuff --  
 2 GERALD MOAN: I hate to cut you off. We have a lot  
 3 of business to discuss. That's all testimony for  
 4 tomorrow.  
 5 UNIDENTIFIED SPEAKER: Okay.  
 6 GERALD MOAN: Understand?  
 7 UNIDENTIFIED SPEAKER: When and where should we go?  
 8 GERALD MOAN: Talk to Frank Reed. Frank, stand up.  
 9 UNIDENTIFIED SPEAKER: Okay.  
 10 FRANK REED: Just as general comment, the committee  
 11 room is in the Convention Center. I don't know where it  
 12 is. I haven't been over there yet. But Terry has. So  
 13 any conventional issues, anybody should go to that room  
 14 tomorrow, because we're going to have to be a little  
 15 flexible in scheduling because of certain things that  
 16 have happened.  
 17 GERALD MOAN: You can go over to the -- by the way,  
 18 for those of you that don't know, we have an office set  
 19 up, Reform Party office, information, all that kind of  
 20 good stuff, over in the Convention Center already. It's  
 21 been set up. It will operate between the hours 7:00 and  
 22 6:00 p.m., 7:00 a.m. to 6:00 p.m. Go over there and  
 23 check with the folks across the street, make sure that  
 24 you're registered or people know what time and what --  
 25 where that room is.

1 Hawaii, yes?  
 2 BOB BOWES: Charles Collins.  
 3 GERALD MOAN: And Denny is seated. Charles, are you  
 4 folks leaving?  
 5 BOB BOWES: Charles and Denny.  
 6 UNIDENTIFIED SPEAKER: Hey, Georgia.  
 7 BOB BOWES: David and Charles.  
 8 DAVID DENNY: We're just going outside.  
 9 GERALD MOAN: Okay. But you are here.  
 10 DAVID DENNY: Yes, I hope so.  
 11 GERALD MOAN: Thank you, sir. Hawaii, who stands in  
 12 front of that microphone?  
 13 JOHNNIE JACKSON: I do. Aloha, everyone. My name  
 14 is Johnnie Jackson. I represent the Reform Party of  
 15 Hawaii. This is Kristen Hopkins and Mark Terry. On  
 16 December 12, 1999 invitations received from the Reform  
 17 Party in Hawaii at this meeting, I was elected interim  
 18 chair. Chad Love, who didn't even show up, by the way,  
 19 was elected treasurer. He wasn't happy the ways things  
 20 went and went out on his own and formed the Hawaii  
 21 Reform Party, which was separate from what we were  
 22 doing.  
 23 GERALD MOAN: Johnnie, we've heard this in  
 24 Nashville, same deal. What I'm going to do is attempt  
 25 to abbreviate; because, basically, the convention was

1 you -- the Reform Party of Hawaii had a meeting,  
 2 correct?  
 3 JOHNNIE JACKSON: That's true.  
 4 GERALD MOAN: You were elected chair?  
 5 JOHNNIE JACKSON: Yes.  
 6 GERALD MOAN: Mr. Love was elected secretary?  
 7 JOHNNIE JACKSON: Treasurer.  
 8 GERALD MOAN: Treasurer. Is that the way you see  
 9 it?  
 10 JOHNNIE JACKSON: Yes, it is.  
 11 GERALD MOAN: I'll entertain a motion and recognize  
 12 these three delegates from Hawaii.  
 13 UNIDENTIFIED SPEAKER: So moved.  
 14 UNIDENTIFIED SPEAKER: Point of order.  
 15 GERALD MOAN: Point of order.  
 16 UNIDENTIFIED SPEAKER: My understanding is that  
 17 Hawaii did not have a 25 percent representation at the  
 18 last convention; is that correct?  
 19 GERALD MOAN: But the National Committee meeting and  
 20 Nashville seated them. They did.  
 21 UNIDENTIFIED SPEAKER: Seated Johnnie Jackson as  
 22 chair.  
 23 UNIDENTIFIED SPEAKER: I understand they seated  
 24 them. Did they reaffiliate the state?  
 25 GERALD MOAN: The provisional recognition was

1 Reform to even attend. He didn't even show up. As far  
 2 as ballot access goes, he got 40 signatures, well over  
 3 3,000 Reform Party. I started with six people. I have  
 4 now 2,000 registered Reformers, with 85 of them  
 5 attending my meetings once a month. 46 of those people  
 6 are working on election day. The Democrats are insane  
 7 over in Hawaii.  
 8 GERALD MOAN: Okay, Johnnie. Thank you. I'll  
 9 entertain a motion. Is there any opposition? Any  
 10 other -- speak, Kelly.  
 11 KELLY ABT: Yeah. I'd like to make a motion to seat  
 12 this delegation from Hawaii.  
 13 UNIDENTIFIED SPEAKER: Second it.  
 14 UNIDENTIFIED SPEAKER: Second.  
 15 GERALD MOAN: So moved. All those in favor?  
 16 (Majority said "Aye.")  
 17 UNIDENTIFIED SPEAKER: Thank you.  
 18 GERALD MOAN: All those opposed? Anybody in  
 19 opposition?  
 20 UNIDENTIFIED SPEAKER: Brian.  
 21 UNIDENTIFIED SPEAKER: Abstention?  
 22 GERALD MOAN: Abstention? Any abstentions?  
 23 UNIDENTIFIED SPEAKER: Idaho, we have three  
 24 delegates in the room. Excuse me. I'm sorry. National  
 25 Committee members, delegates. I get it all confused.

1 granted by them being seated at a National Committee  
 2 meeting.  
 3 UNIDENTIFIED SPEAKER: So that's the ruling of the  
 4 chair?  
 5 GERALD MOAN: Yes, it is.  
 6 UNIDENTIFIED SPEAKER: Thank you.  
 7 GERALD MOAN: All those in favor?  
 8 UNIDENTIFIED SPEAKER: Is there opposition to this?  
 9 GERALD MOAN: Is there opposition to seating Hawaii?  
 10 BRIAN STRANSKY: Yes.  
 11 GERALD MOAN: Okay.  
 12 BRIAN STRANSKY: I'm Brian Stransky from California.  
 13 I would just like -- I don't object specifically. I  
 14 would like to hear her explanation, because I'm  
 15 acquainted with people in Hawaii. I haven't heard any  
 16 of this yet.  
 17 GERALD MOAN: No, no. Come on. I mean, you know --  
 18 BRIAN STRANSKY: I want a fair hearing out of these  
 19 people.  
 20 GERALD MOAN: Johnnie wants to continue. But,  
 21 please, in the sake of brevity --  
 22 JOHNNIE JACKSON: Okay. I will.  
 23 TIM MILLER: Just keep going, quick.  
 24 JOHNNIE JACKSON: Basically, it's this: Everyone --  
 25 Chad Love and his group was not interested enough in

1 DON SCHANZ: Mr. Chairman, I'm Dr. Don Schanz. I'm  
 2 state chair of Idaho. We have two of us here, myself  
 3 and Bill Call. We have another delegate that was  
 4 refused to be seated here earlier, standing in the hall,  
 5 that -- I'm sorry. Here she is. She is right here.  
 6 GERALD MOAN: Chairman Schanz?  
 7 UNIDENTIFIED SPEAKER: Schanz.  
 8 GERALD MOAN: Schanz?  
 9 DON SCHANZ: Yes.  
 10 GERALD MOAN: Are you submitting that this delegate  
 11 is the bona fide delegate from the State of Idaho?  
 12 DON SCHANZ: I am. The challenge essentially was  
 13 that we didn't submit the name in.  
 14 GERALD MOAN: I understand. In the baseline time?  
 15 DON SCHANZ: In the baseline time. We submitted it  
 16 on August 1st.  
 17 GERALD MOAN: So the state chair, in accordance with  
 18 the RPR State Constitution, is reported to go -- this  
 19 body that -- this is now the duly recognized delegate of  
 20 the National Committee from the State of Idaho. Do I  
 21 have a motion?  
 22 UNIDENTIFIED SPEAKER: So moved.  
 23 GERALD MOAN: Second on the question. All those in  
 24 favor say "Aye."  
 25 (Majority said "Aye.")

1 GERALD MOAN: Come on. Some of you getting lazy out  
2 there. All those opposed? That was merely a  
3 housekeeping thing. Thank you, Dr. and Mrs. and -- from  
4 Idaho.  
5 DON SCHANZ: Thank you.  
6 GERALD MOAN: Illinois, is there anybody in the room  
7 from Illinois?  
8 BILL RAKES: Yes.  
9 GERALD MOAN: Come to the mike, please.  
10 BILL RAKES: Bill Rakes from Illinois. And my name  
11 is on the list on the web page. It was turned in to the  
12 secretary. We're uncontested within the State of  
13 Illinois. There should be absolutely no problem.  
14 GERALD MOAN: Okay, Bill. Basically, what this is  
15 is one of those housekeeping challenges where Larry is  
16 sent the names incorrect, Bill.  
17 UNIDENTIFIED SPEAKER: I believe he did -- he sent a  
18 copy of an e-mail to me, and it would certainly appear  
19 so.  
20 GERALD MOAN: Basically, what this is is a  
21 housekeeping thing. We've established a baseline as  
22 being August 1st on the list.  
23 UNIDENTIFIED SPEAKER: Yes.  
24 GERALD MOAN: Larry sent the list in. Larry, the  
25 state chair of Illinois, said that Bill and -- Peter, is

1 GERALD MOAN: Yeah, basically. And what that reason  
2 is is because Mr. Redmond from -- the chairman from  
3 Illinois, after the 1st of August, sent in his list --  
4 or actually sent in a list prior to August 1st. Looks  
5 like we went backwards. But I believe Larry Redmond has  
6 sought them to be the recognized members. That's the  
7 last thing I've seen.  
8 UNIDENTIFIED SPEAKER: Okay. Mr. Chairman, I  
9 withdraw and support these two members.  
10 GERALD MOAN: Okay. All those in favor of seating  
11 the two gentlemen from Illinois? Let's have a little  
12 fervor.  
13 (Majority said "Aye.")  
14 BILL RAKES: Thank you very much, Mr. Chairman.  
15 GERALD MOAN: Any opposed, be more silent. Any  
16 opposed, stand up, please. Any abstentions, stand up,  
17 please. It was unanimous. Boy, that's a first.  
18 Indiana, is anybody here for Indiana?  
19 UNIDENTIFIED SPEAKER: No contestation.  
20 GERALD MOAN: Pro or con? Moving right along, Iowa,  
21 challenges, pro or con?  
22 UNIDENTIFIED SPEAKER: No challenges.  
23 GERALD MOAN: Kansas, I don't think there was any  
24 challenges.  
25 Kentucky, anybody from Kentucky?

1 it?  
2 UNIDENTIFIED SPEAKER: Nyberg.  
3 SPEAKER UNIDENTIFIED: Carl Nyberg.  
4 GERALD MOAN: Carl Nyberg, okay, and Peter Zisk.  
5 BOB BOWES: Peter Zisk, is that the third person?  
6 PETER ZISK: The third person on the list -- the  
7 list that was submitted before is -- Larry Redmond is  
8 the third person. He is the written replacement of  
9 Lisa Thompson.  
10 GERALD MOAN: Lisa Thompson, that's kind of --  
11 UNIDENTIFIED SPEAKER: That letter isn't here.  
12 We're just talking about Bill and I right now.  
13 GERALD MOAN: So Bill and Carl are recognized to be  
14 seated. I'll entertain a motion to accept.  
15 KELLY ABT: Point of order, Mr. Chair.  
16 GERALD MOAN: Wait, wait, wait -- yeah, point of  
17 order.  
18 UNIDENTIFIED SPEAKER: That vote has already been  
19 concluded, Mr. Chairman.  
20 GERALD MOAN: No. We didn't vote.  
21 UNIDENTIFIED SPEAKER: I just have a question.  
22 GERALD MOAN: Okay.  
23 UNIDENTIFIED SPEAKER: They are trying to, say, put  
24 two members -- replace two members currently on the \$1  
25 list; is that correct?

1 UNIDENTIFIED SPEAKER: Yes. Put that down a lot  
2 lower. We're short in Kentucky.  
3 GERALD MOAN: Could you identify yourself, please.  
4 JEANETTE LENCZYK: Pardon. Oh, I'm Jeanette Lenczyk  
5 from -- on the committee from Kentucky. I was Reform  
6 Party, too, for a while -- chair for a while, a few  
7 years. Anyways, we had three members elected to the  
8 National Committee: John Longmeyer, myself, and Sam  
9 Cox. Sam is in the hospital. He'll be here as a  
10 delegate later in the week.  
11 As a substitute which was voted on by the  
12 committee, we would like to have Jeff Hillbrandt be able  
13 to attend this meeting and Sam continue with his  
14 position after today. It was just a way of getting a  
15 representation. John Longmeyer has resigned from the  
16 chairmanship and felt that it was inappropriate for him  
17 to still be a member of the National Committee and  
18 requested that he be replaced by Jim Anthony, who is  
19 also on the Executive Committee. There was no hassle.  
20 This was all in nice agreement by everyone. It's just  
21 circumstances prevented those other two from coming  
22 today.  
23 GERALD MOAN: And does your state chair support  
24 these --  
25 JEANETTE LENCZYK: Yes, absolutely.

1 GERALD MOAN: And the changes are, again? Report  
 2 them by name.  
 3 JEANETTE LENCZYK: Jim Anthony to replace John  
 4 Longmeyer.  
 5 GERALD MOAN: Is this a list that Charlie sent?  
 6 JEANETTE LENCZYK: Pardon?  
 7 GERALD MOAN: Is this the list that Charlie sent?  
 8 JEANETTE LENCZYK: Yes.  
 9 GERALD MOAN: Okay.  
 10 JEANETTE LENCZYK: Yeah. Charlie Arbigus is the new  
 11 chairman.  
 12 GERALD MOAN: Okay.  
 13 JEANETTE LENCZYK: And as a temporary, just for—  
 14 today, Jeff Hillbrandt to sit in for Sam Cox, who, as I  
 15 said, is in the hospital.  
 16 GERALD MOAN: Okay. And you have a copy of the  
 17 letter?  
 18 JEANETTE LENCZYK: Yes, I do.  
 19 GERALD MOAN: Would you give a copy of that letter  
 20 to Mr. Bowes?  
 21 JEANETTE LENCZYK: Sure.  
 22 GERALD MOAN: Hear a motion to entertain the —  
 23 KELLY ABT: Point of order, Mr. Chair.  
 24 GERALD MOAN: Does another person talk about  
 25 Kentucky? Is there any opposition from anybody from

1 (None.)  
 2 GERALD MOAN: Any abstentions?  
 3 (None.)  
 4 DON SCHANZ: Mr. Chairman, point of order.  
 5 GERALD MOAN: Yes, sir. Please do me a favor. I've  
 6 forgotten. I should have said this about five hours ago  
 7 for transcript purposes. State your name and your state  
 8 when you approach the mike.  
 9 DON SCHANZ: Dr. Don Schanz, Idaho state chairman.  
 10 Mr. Chairman has new delegates that are allowed in. I  
 11 would propose that we allow them to have the little  
 12 yellow sticky, as you called it, so they could be like  
 13 the rest of us.  
 14 GERALD MOAN: Once we establish the seating in the  
 15 room, I will ask people, maybe collect donations, but  
 16 pass out the voting cards.  
 17 DON SCHANZ: Okay. Thank you, Mr. Chairman.  
 18 GERALD MOAN: We have voting cards for the room once  
 19 the room is established. What did we just — which  
 20 state did we cover, Kentucky?  
 21 Any challenge to Louisiana in the room?  
 22 UNIDENTIFIED SPEAKER: Kansas, where is Kansas?  
 23 GERALD MOAN: Any challenge to Maine in the room?  
 24 Any challenge to Maryland in the room, other  
 25 than Bob?

1 Kentucky?  
 2 Point of order?  
 3 KELLY ABT: Point of inquiry. I'd just like to find  
 4 out if there was an election held to elect the National  
 5 Committee men for today.  
 6 GERALD MOAN: Was there an election?  
 7 KELLY ABT: Was there an election for the National  
 8 Committee?  
 9 UNIDENTIFIED SPEAKER: Yes.  
 10 GERALD MOAN: Thank you.  
 11 UNIDENTIFIED SPEAKER: Jeff is out in the hall.  
 12 Should I bring him in?  
 13 GERALD MOAN: Bring him in. He's been accepted for  
 14 membership of the body.  
 15 MR. COOTER: Not yet.  
 16 GERALD MOAN: When we vote.  
 17 UNIDENTIFIED SPEAKER: Let's vote.  
 18 GERALD MOAN: Learning on my feet, you know. All  
 19 those — we've had a motion on the floor, and duly  
 20 seconded, to recognize the members as amended by the  
 21 State of Kentucky; and as chairman, Charlie Arbigus on  
 22 the question. Move it? Yes, all those in favor?  
 23 (Majority said "Aye.")  
 24 GERALD MOAN: "Aye." All those opposed? Any  
 25 opposition?

1 TIM MILLER: That's outside. Have we asked outside.  
 2 GERALD MOAN: I've asked all challengers to come  
 3 into the room. If they're not here by now —  
 4 Massachusetts, any challenges in the room?  
 5 Michigan?  
 6 UNIDENTIFIED SPEAKER: Yes.  
 7 UNIDENTIFIED SPEAKER: Right here.  
 8 GERALD MOAN: Michigan. I'm going to beg  
 9 everybody's indulgence. If I remember correctly, we  
 10 validated that Mr. Scofield is a member of the National  
 11 Executive Committee. In that capacity, I would ask him  
 12 to come up here as a deputy chairman. It's my turn for  
 13 biological reasons. So I would ask Mr. Scofield — I  
 14 will entertain a motion from the floor to recognize  
 15 Mr. Scofield as temporary acting interim chairperson for  
 16 this meeting only.  
 17 KELLY ABT: Mr. Chairman, Kelly Abt from Texas. I  
 18 move that Mr. Scofield be interim chairman as you take  
 19 care of business.  
 20 GERALD MOAN: We have a second?  
 21 UNIDENTIFIED SPEAKER: Second.  
 22 UNIDENTIFIED SPEAKER: Second.  
 23 GERALD MOAN: I really want to hear "Aye." So all  
 24 those — now, now, now. You gotta stand up, too.  
 25 "Aye." Any opposition other than Cedric?

1 CEDRIC SCOFIELD: Is there anyone here from  
2 Michigan?  
3 MARK FORTON: Here.  
4 (Gerald Moan left the proceedings.)  
5 CEDRIC SCOFIELD: And you are?  
6 MARK FORTON: My name is Mark Forton. I'm the U.S.  
7 senate candidate for the State of Michigan. I'm also  
8 the newly elected Michigan Chairman Reform Party.  
9 CEDRIC SCOFIELD: Would you state your challenge,  
10 please?  
11 MARK FORTON: Before I start, sir, I have two  
12 envelopes: One for Mr. Reed; one for Mr. Moan. Could  
13 you tell me who I should give those to? I'm sorry. I  
14 just said that before I started. I asked if I could  
15 give two envelopes that would get to Mr. Moan and  
16 Mr. Reed. Thank you. Should I start?  
17 CEDRIC SCOFIELD: Please.  
18 MARK FORTON: Okay. On June 17th, 2000, Michigan  
19 had a state convention. And ever since that time, it  
20 was a very good unified convention. 90-some percent of  
21 the delegates present voted to elect new delegates for  
22 this convention. And ever since that time, though,  
23 there's been very little contact with our state  
24 officers.  
25 Also, the state officers have conspired to

1 reformers in Michigan, like Joyce Russell, don't  
2 remember ever electing National Committee people in  
3 Michigan. Now, Chairman McKelvie also participated in  
4 the illegal meeting in Dallas that declared Pat Buchanan  
5 as disqualified as a possible candidate.  
6 And she participated in support of the results,  
7 the end of which was a press conference with Mr. Vernie  
8 and Mr. Hagelin that attempted to alter the ballot  
9 process, declaring that it was a done deal and that kind  
10 of a thing. And that just flooded our offices and our  
11 people with all kinds of questions and confusion. And  
12 it also even affected this convention here.  
13 Now, as U.S. senate candidate for the State of  
14 Michigan, I called a meeting -- a statewide meeting last  
15 Saturday to try to iron out what, if anything, can be  
16 done. 12 district chairmen signed two petitions to  
17 remove four officers from the Reform Party in Michigan  
18 for gross neglect of their duties.  
19 Now, Michigan bylaw says 112 district chairmen  
20 can present such a petition and demand a meeting. We  
21 conducted a meeting. We had 12 petitions -- 24,  
22 actually, for two different reasons: The officership  
23 and the National Committee positions.  
24 CEDRIC SCOFIELD: We'd established a three-minute  
25 time limit, so please wrap up in a hurry.

1 either reverse or totally ignore the convention results.  
2 To this very day, they've never submitted to the  
3 secretary of state and the State of Michigan the list of  
4 lectors. As it stands right now, if the Reform Party  
5 were to win in Michigan, there would be no electoral  
6 votes.  
7 And that violates the Reform Party bylaws in  
8 Michigan, Article 6, Section 3, and also violates  
9 Michigan state election law. Also, they failed to  
10 submit the list of delegates and alternates that were  
11 elected to this body, national organization. And as of  
12 August 4th, that was still not done, either. They've  
13 been very elusive, almost impossible to contact. Very  
14 few people have been able to contact them, and those  
15 that do get different stories about what list of  
16 delegates would be submitted and so on, so forth.  
17 Still, to this day, we still don't know what  
18 list of delegates have been submitted to this  
19 organization. Perry Spencer, the state chairman,  
20 allegedly resigned sometime the week of July 24th. And  
21 Diane McKelvie took his place, Eleanor Renfro  
22 (inaudible) in the National Committee, a clear violation  
23 of the U.S. Constitution, Article 4, Section 9.  
24 It plainly states you cannot appoint a person  
25 to National Committee to have been elected. Now old

1 MARK FORTON: We accepted that. We conducted a  
2 meeting. We had 93 people from all over the state that  
3 came to that meeting on short notice. Bylaws do not say  
4 anything about time frames to conduct a meeting at all,  
5 and we elected new people. First of all, we recalled  
6 Perry Spencer, chairman of the National Committee in  
7 Denver; Diane McKelvie, Eleanor Renfro, Hal Smith,  
8 (inaudible), and (inaudible), vice chair and National  
9 Committee member. That's four, but we didn't know who  
10 our chairman was. So, anyway, we did that, and then we  
11 elected new officers. That was done unanimously. By  
12 the way, there was a lot of old guard people to --  
13 CEDRIC SCOFIELD: What's the bottom line on who got  
14 elected to the positions?  
15 MARK FORTON: The people elected Mark Forton,  
16 National Committee chair, Ted Johnson, first vice chair,  
17 Joseph Landry, vice chair. Then we had an election  
18 which we believe was the very first in the Michigan --  
19 according to the National Committee, we elected Sandra  
20 Steiner and Joseph Landry to the National Committee. So  
21 I respectfully submit that.  
22 CEDRIC SCOFIELD: Is there anyone here from Michigan  
23 to speak in opposition to this challenge? Is there  
24 anyone else with any questions or oppositions that  
25 they'd like to --

1 UNIDENTIFIED SPEAKER: I motion.  
 2 UNIDENTIFIED SPEAKER: I second the motion.  
 3 CEDRIC SCOFIELD: The motion has been made and --  
 4 made and seconded. Do I need the names?  
 5 BOB BOWES: Three names.  
 6 MARK FORTON: Mark Forton, Sandra Steiner, Joseph  
 7 Landry.  
 8 BOB BOWES: Thank you.  
 9 CEDRIC SCOFIELD: Mr. Secretary, do you need the  
 10 name of the person that made the motion to seat?  
 11 BOB BOWES: No.  
 12 CEDRIC SCOFIELD: Would all those in favor of  
 13 seating this Michigan group rise and say "Aye."  
 14 (Majority said "Aye.")  
 15 CEDRIC SCOFIELD: All opposed?  
 16 (None.)  
 17 CEDRIC SCOFIELD: Any abstentions?  
 18 (None.)  
 19 MARK FORTON: Thank you. Thank you very much.  
 20 CEDRIC SCOFIELD: In Mississippi, is there a  
 21 challenge in Mississippi?  
 22 TRAY GOLDMAN: Yes, sir.  
 23 CEDRIC SCOFIELD: Now, please state your challenge  
 24 within three minutes. We have to keep this moving  
 25 along.

1 member in the party for three months before you could  
 2 come to the convention and vote. They said you had to  
 3 be in the party for one year before you could run for  
 4 National Committee member.  
 5 Now, not only are these changes undemocratic,  
 6 they were not allowed by the bylaws the same folks  
 7 wrote. So we, the members of the party, called a  
 8 convention. We notified the chairman 30 days prior, as  
 9 his bylaws required. We ran an ad in the newspaper, as  
 10 his bylaws required. We held our convention, we were  
 11 elected, and we're here today.  
 12 CEDRIC SCOFIELD: Right under three minutes.  
 13 Is there anyone from Mississippi who would like  
 14 to contest this challenge?  
 15 UNIDENTIFIED SPEAKER: Mr. Chairman, if you'd  
 16 please, I'd like to introduce Ron Walters, a National  
 17 Committee member, and John Hey, National Committee  
 18 member.  
 19 UNIDENTIFIED SPEAKER: Thank you. You may be  
 20 seated.  
 21 UNIDENTIFIED SPEAKER: I elect --  
 22 KELLY ABT: Mr. Chairman, I move the delegation be  
 23 seated as requested.  
 24 CEDRIC SCOFIELD: The motion been made and seconded?  
 25 Do we seat the delegation? Would all those in favor,

1 TRAY GOLDMAN: Mr. Chairman, this is Tray Goldman  
 2 from Mississippi. I'm real happy to be here. I'm real  
 3 sorry to say that the Mississippi delegation was here.  
 4 They walked out, so they can't face accusations before  
 5 this body.  
 6 UNIDENTIFIED SPEAKER: They must have gone to  
 7 "Ole Miss."  
 8 TRAY GOLDMAN: You got it. Sir, our challenge is  
 9 very simple. The delegation, the National Committee  
 10 members that were here earlier, had never been elected  
 11 by a state convention of Mississippi, as required by our  
 12 bylaws. The Mississippi party was formed in 1993, at  
 13 which time they said officers pro tem to hold office  
 14 until a convention. Until June 17th, 2000, there has  
 15 never been a convention in the State of Mississippi.  
 16 On June 17th, 2000, the members of the Reform  
 17 Party of Mississippi called and held a convention and  
 18 elected officers for the first time and elected us as  
 19 National Committee members. Now, the old leadership, in  
 20 the Reform Party in Mississippi, who was never elected,  
 21 they conspired to keep their leadership to keep their  
 22 status. They never called conventions. They illegally  
 23 changed the Mississippi bylaws.  
 24 They instituted a \$25 membership fee, which is  
 25 nothing more than a poll tax. They said you had to be a

1 please rise and say "Aye."  
 2 (Majority said "Aye.")  
 3 CEDRIC SCOFIELD: Opposed?  
 4 (None.)  
 5 CEDRIC SCOFIELD: Could you repeat the names of the  
 6 people, please, for the secretary?  
 7 BOB BOWES: Third name. Tray Goldman, Ron Walters,  
 8 and?  
 9 UNIDENTIFIED SPEAKER: John Hey, H-e-y.  
 10 BOB BOWES: H-e-y. Thank you.  
 11 CEDRIC SCOFIELD: In Missouri, is there a challenge  
 12 from Missouri?  
 13 UNIDENTIFIED SPEAKER: I'm the only one here from  
 14 Missouri.  
 15 UNIDENTIFIED SPEAKER: Show me the challenge.  
 16 CEDRIC SCOFIELD: There was apparently no challenge  
 17 from Missouri. We'll move on to Montana.  
 18 Is there a challenge for Montana?  
 19 UNIDENTIFIED SPEAKER: I believe the Montana  
 20 challenge is frivolous.  
 21 UNIDENTIFIED SPEAKER: Whatever it was.  
 22 UNIDENTIFIED SPEAKER: Whatever.  
 23 CEDRIC SCOFIELD: Is there someone here from  
 24 Montana?  
 25 UNIDENTIFIED SPEAKER: I'm the chairman of Montana.

1 CEDRIC SCOFIELD: And you've heard there's a  
 2 challenge? We don't have the challengers here.  
 3 UNIDENTIFIED SPEAKER: Right.  
 4 CEDRIC SCOFIELD: I motion we seat Montana.  
 5 UNIDENTIFIED SPEAKER: I second.  
 6 UNIDENTIFIED SPEAKER: Second.  
 7 CEDRIC SCOFIELD: Motion has been made and seconded.  
 8 Will all in favor rise and say "Aye."  
 9 (Majority said "Aye.")  
 10 CEDRIC SCOFIELD: Opposed?  
 11 (None.)  
 12 CEDRIC SCOFIELD: I think I got the easy part of the  
 13 meeting here.  
 14 In Nebraska, do we have a --  
 15 BOB BOWES: I'd like to verify the names. Is it  
 16 J.R. Myers, R.J. Brewer, and Cajun James?  
 17 UNIDENTIFIED SPEAKER: Yeah.  
 18 CEDRIC SCOFIELD: In Nebraska, do we have any  
 19 challenges here for seating of the Nebraska members?  
 20 UNIDENTIFIED SPEAKER: We were told that there was a  
 21 challenge.  
 22 CEDRIC SCOFIELD: Is there anyone here from  
 23 Nebraska?  
 24 UNIDENTIFIED SPEAKER: I'm the state chair, and my  
 25 two committee members are here.

1 CEDRIC SCOFIELD: Have you heard of any challenges?  
 2 UNIDENTIFIED SPEAKER: Yes.  
 3 UNIDENTIFIED SPEAKER: Earlier in the meeting, but I  
 4 don't hear anybody.  
 5 UNIDENTIFIED SPEAKER: But I think they went with  
 6 the other group.  
 7 CEDRIC SCOFIELD: Well, there's no challenges  
 8 stated. So --  
 9 UNIDENTIFIED SPEAKER: Good. Thank you.  
 10 UNIDENTIFIED SPEAKER: I motion to accept these  
 11 delegates.  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 UNIDENTIFIED SPEAKER: Second.  
 14 CEDRIC SCOFIELD: I don't think we need that.  
 15 There's been no challenge.  
 16 UNIDENTIFIED SPEAKER: No challenge.  
 17 CEDRIC SCOFIELD: Nevada, do we have a challenge to  
 18 seat any of the members of Nevada?  
 19 UNIDENTIFIED SPEAKER: Sir, we heard we didn't have  
 20 a challenge until we came here today. But apparently  
 21 there wasn't --  
 22 CEDRIC SCOFIELD: You're from Nevada, and we don't  
 23 hear any challenge. So --  
 24 UNIDENTIFIED SPEAKER: I'm on the Executive  
 25 Committee and the candidate for U.S. senate.

1 CEDRIC SCOFIELD: Thank you.  
 2 BOB BOWES: You're on the 81 roster, anyway.  
 3 CEDRIC SCOFIELD: New Hampshire, do we have a  
 4 challenge for the members of New Hampshire?  
 5 SHELLEY USCINSKI: Thank you, Mr. Chairman. Yes.  
 6 We are from the great state of New Hampshire. I have  
 7 with me (inaudible) Maravelias and Ted Maravelias. And  
 8 my name is Shelley Uscinski. And we are here to  
 9 challenge the New Hampshire delegation, which I believe  
 10 has already left earlier. They have walked out.  
 11 But let me just give you a little briefing as  
 12 to why we believe we ought to be the official National  
 13 Committee members for our state. Back in September,  
 14 September 25th, there was a state convention which was  
 15 scheduled by the chairman at the time, Darren Libby.  
 16 Darren Libby apparently panicked when he saw that at a  
 17 Buchanan booksigning, there was 200 people who came to  
 18 the booksigning during a hurricane. So he got a little  
 19 nervous and decided to cancel the convention, in which  
 20 time, he did schedule another convention.  
 21 But in between that time, he and his fellow  
 22 Reform Party members, 14 of them, had decided to change  
 23 the bylaws for the express purpose of preventing any new  
 24 members from voting, which was against the process that  
 25 they used to change the bylaws, was in violation of

1 their own bylaws. And, certainly, trying prevent us  
 2 from participating was against the National  
 3 Constitution.  
 4 They did schedule another convention, which was  
 5 held on October 30th. When we arrived, they called the  
 6 police. They told us we couldn't participate. We  
 7 couldn't vote. We decided that we would hold another  
 8 convention. We set up another party. They came a  
 9 little bit -- to their senses a little bit after that.  
 10 We got together with them. We worked it out. They were  
 11 going to allow us to participate.  
 12 We had a meeting in January, where they made --  
 13 where we made -- again, we made bylaws to the -- illegal  
 14 bylaw changes that they had made. We were on schedule.  
 15 Darren Libby and his other National Committee members  
 16 attended the Nashville meeting. Darren Libby was very  
 17 dispirited at the outcome. He decided to resign. They  
 18 had what they call a Tuesday night massacre, where  
 19 six -- or excuse me -- four members of the Executive  
 20 Committee all resigned.  
 21 CEDRIC SCOFIELD: You have about 30 seconds left.  
 22 SHELLEY USCINSKI: All right. Well, needless to  
 23 say, to wrap it up, they have completely violated the  
 24 spirit of the party. They are currently operating  
 25 without a quorum. They're operating in violation of

1 their own bylaws and the National Constitution, as well  
2 as Robert's Rules of Order, which we operate under. And  
3 now this body has the chance to do the right thing and  
4 put in the legitimate National Committee members for  
5 New Hampshire.

6 UNIDENTIFIED SPEAKER: I move we accept.

7 UNIDENTIFIED SPEAKER: I second it.

8 CEDRIC SCOFIELD: Is there anybody from  
9 New Hampshire to address this challenge?

10 UNIDENTIFIED SPEAKER: Chairman, I move we seat  
11 these people from New Hampshire.

12 UNIDENTIFIED SPEAKER: Second.

13 UNIDENTIFIED SPEAKER: I second it.

14 CEDRIC SCOFIELD: It's been moved and seconded to  
15 seat the challengers. All in favor, please rise and say  
16 "Aye."

17 (Majority said "Aye.")

18 UNIDENTIFIED SPEAKER: Thank you.

19 UNIDENTIFIED SPEAKER: Names?

20 CEDRIC SCOFIELD: Are there any "Nays"? Any  
21 abstentions?

22 (None.)

23 CEDRIC SCOFIELD: Do you have the names?

24 BOB BOWES: I've got them. Thank you.

25 CEDRIC SCOFIELD: New Jersey, are the challengers

1 All of us have recently joined the Independence Party,  
2 which has not -- not recently, but over the last year,  
3 as the New York state affiliate. We did that because it  
4 was our understanding that the Independence Party was  
5 supporting Pat Buchanan.

6 You may be aware the New York state laws are  
7 extremely difficult and convoluted. And back when they  
8 were running delegates, we wanted to challenge to ensure  
9 that Pat would have a line on the ballot. As you know,  
10 the McCain and Bradleyites did, and the courts gave them  
11 the opportunity. We did not file. Instead, we worked  
12 with the Independence Party; Lenora Fulani, Frank McKay,  
13 and Kathy Stewart, the three national delegates. And we  
14 cooperated with them fully. They publicly stated over  
15 and over again that they were supporting Buchanan. They  
16 attended all of the functions for Buchanan in New York.  
17 In fact, Lenora Fulani, as you know, is Pat's co-chair.

18 UNIDENTIFIED SPEAKER: Was.

19 ED HEELAN: Was, was, was. They evidenced their  
20 commitment by taking on the Trump legal battle. And, in  
21 fact, we now realize that was more to eliminate Jack  
22 Essenberg than it was to act on behalf of Pat Buchanan.  
23 I can tell you that I had meetings with Kathy Stewart  
24 and with Frank McKay, where we went through delegate by  
25 delegate.

1 here for the State of New Jersey? Is there anyone here  
2 from New Jersey?

3 JOE SANSONE: Yes, Mr. Chairman. My name is Joe  
4 Sansone. I'm the state chairman of New Jersey. We have  
5 Jim Logue, Beverly Kidder, and myself here. The nature  
6 of the challenge of us is completely frivolous. And as  
7 a matter of law, in fact, we are an affiliated  
8 organization. And we're not going to take any of your  
9 time.

10 CEDRIC SCOFIELD: Apparently, there's no one here to  
11 make a challenge, so there is no challenge.

12 New Mexico? Is there a challenge in seating  
13 the members of New Mexico? Is there anyone here from  
14 New Mexico?

15 UNIDENTIFIED SPEAKER: Yes, Mr. Chairman. We're all  
16 here, all three of us.

17 CEDRIC SCOFIELD: There is apparently no challenge.

18 New York? Is there a challenge to seat any  
19 members of New York?

20 UNIDENTIFIED SPEAKER: Yes, sir.

21 CEDRIC SCOFIELD: We never expect a challenge in  
22 New York.

23 ED HEELAN: Mr. Chairman, thank you for the  
24 opportunity. My name is Ed Heelan. And I have with me  
25 two gentlemen, Mr. Ira Pesserillo and Mr. John Gillen.

1 And of the 33 delegates, four from New York,  
2 allegedly 29 were totally committed. And the other four  
3 were maybes. So we felt very comfortable, and I  
4 continued all of their functions throughout their state,  
5 where we proudly introduced my affiliation with Pat  
6 Buchanan.

7 Then suddenly a change happened. The change  
8 occurred when Lenora Fulani requested of Pat Buchanan  
9 that he endorse her and make her the national chairman  
10 of the Reform Party. Pat refused to do that. A man  
11 after my own heart. We don't respond well to extortion.

12 Suddenly, that weekend, everything changed.  
13 All of a sudden, Buchanan was out; and all of the  
14 commitments that were made were thrown out the window.  
15 Mrs. Fulani assured me that was working. I'll be brief,  
16 I promise. But New York is a big state, 33 delegates.  
17 So give me that extra few seconds.

18 CEDRIC SCOFIELD: Only three at this meeting.

19 ED HEELAN: Okay. You're right. You're right. But  
20 let's wait until tomorrow. My efforts to work out  
21 compromise with Ms. Fulani was totally fruitless. It  
22 was either she gets what she wants, or she was going to  
23 work overtime to stop Buchanan. Frank McKay, the state  
24 chairman, told me there was no way he was going to bug  
25 her and Kathy Stewart. And they were not going to

1 support Buchanan, and that was the end of it.  
 2 I got a series more. I didn't realize it would  
 3 be a three-minute stop. The only thing I can say is  
 4 this: I can say that they have made a number of public  
 5 statements. And I'm looking at a newsprint here from  
 6 one of the major papers in New York that no matter what  
 7 happens, if Buchanan got elected, they would -- the  
 8 Independence Party would not support him. They  
 9 apparently are not interested in supporting and building  
 10 the Reform Party. They're interested in their own  
 11 agenda. What we want to build is a Reform Party.  
 12 CEDRIC SCOFIELD: You're about a minute over three  
 13 minutes.  
 14 ED HEELAN: Just one more point, and I'll stop right  
 15 now. We are in a process, because we were concerned  
 16 about having a place on the ballot for Pat Buchanan to  
 17 be voted for. And we started a petition drive about two  
 18 weeks ago. We've already got over 10,000 signatures  
 19 from the State of New York.  
 20 CEDRIC SCOFIELD: Are you specifically challenging  
 21 the members from New York?  
 22 ED HEELAN: Yes. We would like to challenge the  
 23 members from the State of New York. And I respectfully  
 24 request that we be seated in this delegation. Thank you  
 25 for your patience.

1 forward fast, so if I could have your attention, please.  
 2 UNIDENTIFIED SPEAKER: Order, please. Order.  
 3 Order.  
 4 CEDRIC SCOFIELD: Could I have your attention,  
 5 please. We're going to proceed with the meeting. I  
 6 believe we were on North Carolina. Is there anyone here  
 7 to challenge the seating of North Carolina?  
 8 UNIDENTIFIED SPEAKER: No one.  
 9 CEDRIC SCOFIELD: There's no challenge.  
 10 North Dakota, is there anyone who challenges  
 11 North Dakota?  
 12 RALPH MICKEY: Mr. Chairman, my name is Ralph  
 13 Mickey. I'm with the real Reform Party of North Dakota.  
 14 The current Reform Party are -- I'm here in place of our  
 15 current president, Glen Baltrich, who was unable to be  
 16 here, yet he is still the president of the Reform Party  
 17 until the year 2003. Back in January, we held a meeting  
 18 in which Buchanan delegation, Buchanan supporters  
 19 attended.  
 20 Well, the very first thing they started to do  
 21 was trash our bylaws, bylaws particularly that specify  
 22 what the party stands for when it's supposed to  
 23 represent integrity of the party. And, also, we have a  
 24 membership form that has a small oath here. They said  
 25 that this was unacceptable. I don't know if you want me

1 UNIDENTIFIED SPEAKER: What's your name?  
 2 CEDRIC SCOFIELD: Is there anyone from New York to  
 3 address these challenges? Tim?  
 4 TIM HALINAN: Tim Halinan from Wyoming. I'm not  
 5 from New York. But since there is no one here from  
 6 New York who challenges these gentlemen, I believe they  
 7 should be seated by default. Thank you.  
 8 UNIDENTIFIED SPEAKER: Is that a motion?  
 9 UNIDENTIFIED SPEAKER: I so move that we seat these  
 10 gentlemen from New York.  
 11 CEDRIC SCOFIELD: It's been moved and seconded. We  
 12 seat the people that issued the challenge. Would all in  
 13 favor please rise and say "Aye."  
 14 (Majority said "Aye.")  
 15 CEDRIC SCOFIELD: Opposed?  
 16 UNIDENTIFIED SPEAKER: Thank you.  
 17 CEDRIC SCOFIELD: Opposed?  
 18 (None.)  
 19 CEDRIC SCOFIELD: North Carolina, do we have a  
 20 challenge, the seated people of North Carolina?  
 21 IRA PESSERILLO: Ira Pesserillo.  
 22 JOHN GILLEN: John Gillean.  
 23 CEDRIC SCOFIELD: Do we have anyone here who opposes  
 24 seating the members of North Carolina? We had to have a  
 25 little discussion there on procedures. We need to move

1 to take the time to read it or not.  
 2 CEDRIC SCOFIELD: Is this a question of affiliation,  
 3 or are you a member of the -- are there two parties in  
 4 North Dakota?  
 5 RALPH MICKEY: Well, there is. But the other one is  
 6 a fraud.  
 7 CEDRIC SCOFIELD: Okay. You're about a minute and a  
 8 half into your challenge, so please proceed.  
 9 RALPH MICKEY: Okay. Anyway, we have this oath of  
 10 membership here that simply -- all this simply requires  
 11 is that anybody belongs to the Reform Party upholds the  
 12 principles of the Constitution. They said this is  
 13 unacceptable. They tore off the bottom half of this,  
 14 the part that has the oath of membership, filled out the  
 15 top part, then turned it in.  
 16 It is plain to see that they did not want to be  
 17 a member. They didn't want to belong to the real Reform  
 18 Party. But they were trying to create a party of their  
 19 own, the way it appears, whatever that may be. And so  
 20 what they went and did is they went and -- a week -- the  
 21 next week, they went and filed a set of their own bylaws  
 22 with the Secretary of State that contained illegal  
 23 election law -- illegal election law violations, saying  
 24 that these bylaws were adopted at a convention. It was  
 25 not a convention.

1 CEDRIC SCOFIELD: You've got a little less than 30  
2 seconds, so please wrap it up.

3 RALPH MICKEY: Anyway, to make a long story short,  
4 that we are still Reform Party. This other group sought  
5 to -- is seeking to destroy the real Reform Party as it  
6 is and to eliminate all of us that were in there. They  
7 came there very, very well organized and had no  
8 intentions of keeping us or keeping the Reform Party as  
9 it is.

10 CEDRIC SCOFIELD: Is there somebody from North  
11 Dakota to address the challenge?

12 TAWNY KEAVENY: Yes. Mr. Chair, this is Tawny  
13 Keaveny from North Dakota. I'd like to comment on this.  
14 First of all, the Reform Party of North Dakota was on  
15 the ballot since 1996. And Mr. Baltrich was chairman in  
16 the years from 1996 until beginning of this year. In  
17 2000 there was nothing filed, no roster, no proof of any  
18 kind of election process, meeting, convention, nothing.  
19 There was only one piece of paper filed, which was  
20 bylaws that were never signed by anybody.

21 By the time we had our first meeting, we were  
22 deceived a couple of times before that there were  
23 intended meetings which never took place. Finally,  
24 there was a meeting. It was under the chairmanship of  
25 Mr. Baltrich. Then he proclaimed to be the chair then,

1 Mr. Baltrich was not even a chair anymore.

2 However, after we had our first meeting, he  
3 went to the Secretary of State and filed new bylaws,  
4 rules and bylaws, that he said amended in 1998. Now  
5 this is, now, in January or February 2000. And in this  
6 particular bylaws, it was very clear it was pointed out  
7 by the Secretary of State to us that the top page was  
8 replaced and had a completely different setting.

9 CEDRIC SCOFIELD: You've got about 30 seconds.

10 TAWNY KEAVENY: At that point, he put himself in,  
11 Mr. Baltrich, as the interim team who should be the  
12 chairman until the first of January, 2005. So this  
13 whole thing was -- we did everything in an orderly  
14 fashion. The Secretary of State has already recognized  
15 us as the official party who filed everything according  
16 to the North Dakota state laws.

17 CEDRIC SCOFIELD: Thank you.

18 Is there a resolution regarding the challenge?

19 UNIDENTIFIED SPEAKER: Chairman, I move that the  
20 challenge be denied.

21 UNIDENTIFIED SPEAKER: Second.

22 UNIDENTIFIED SPEAKER: I second that motion.

23 CEDRIC SCOFIELD: Motion's been made and seconded.  
24 Challenge be denied. All in favor of denying the  
25 motion, please rise and say "Aye."

1 except for, according to the bylaws, he had filed in  
2 1996.

3 His chairmanship only lasted until the first of  
4 January, 1999. So it was a deception. When he had this  
5 meeting, he chaired the meeting. He said there was a  
6 quorum. There was no one else there except for  
7 Mr. Mickey at this meeting from his old party and their  
8 first meeting. And then the convention proceeded  
9 orderly. We voted in all the officers, filed everything  
10 with the Secretary of State.

11 And we tried to work with Mr. Baltrich and keep  
12 him in as a chair, because there was no one else there  
13 from a quorum or National Committee people. No one  
14 existed. There was no list of any membership or  
15 anything. In fact, nothing had been done in that state,  
16 and it was almost four years. And we have been accepted  
17 by the Secretary of State of North Dakota that  
18 everything had been done and filed in an orderly  
19 fashion, according to the North Dakota election laws.

20 So after Mr. Baltrich didn't even appear at the  
21 convention, he could have been up for election or  
22 nominated if he liked to. He preferred not to appear  
23 there. So everything was done in orderly fashion.  
24 Everybody was elected by majority. No activity had been  
25 taking place. As a matter of fact, by all means,

1 (Majority said "Aye.")

2 CEDRIC SCOFIELD: All opposed? Any abstentions?

3 (None.)

4 TAWNY KEAVENY: Thank you very much. And here are  
5 the names (indicating).

6 CEDRIC SCOFIELD: We have the names. You need to  
7 verify the names. Loretta Stewart, Margaret Sitte, and  
8 Tawny --

9 TAWNY KEAVENY: Keaveny.

10 CEDRIC SCOFIELD: Keaveny.

11 BOB BOWES: Read them again, sir.

12 CEDRIC SCOFIELD: Loretta Stewart.

13 LOLITA STEWART: No. Lita.

14 CEDRIC SCOFIELD: Margaret Sitte.

15 MARGARET SITTE: Sitte.

16 CEDRIC SCOFIELD: Sitte.

17 Tawny Keaveny.

18 TAWNY KEAVENY: Keaveny.

19 CEDRIC SCOFIELD: I believe they're on the list that  
20 you have there and here (indicating).

21 Ohio, is there a challenge in the State of  
22 Ohio? There appears to be no challenge.

23 Oklahoma, is there a challenge in seating the  
24 members from Oklahoma? Oregon -- excuse me. There  
25 appears to be a challenge in Oklahoma.

1 UNIDENTIFIED SPEAKER: This is not a challenge.  
 2 This is just to clarify. Michael Charba was elected in  
 3 May as one of our committee men, and he was not able to  
 4 attend. The state held another meeting on July 7th, and  
 5 Bruce Charles was selected to be in his place.  
 6 CEDRIC SCOFIELD: This is a housekeeping change,  
 7 then?  
 8 UNIDENTIFIED SPEAKER: Yes.  
 9 CEDRIC SCOFIELD: Okay. Does the secretary have  
 10 that?  
 11 BOB BOWES: Bruce Charles --  
 12 UNIDENTIFIED SPEAKER: Bruce Charles in place of  
 13 Michael Charba.  
 14 BOB BOWES: Thank you.  
 15 TIM MILLER: Mr. Chairman, I recommend we seat that  
 16 National --  
 17 CEDRIC SCOFIELD: Pardon me?  
 18 UNIDENTIFIED SPEAKER: I move that we accept that  
 19 National Committee man.  
 20 CEDRIC SCOFIELD: Motion has been made that we  
 21 accept that housekeeping change. Is there a second?  
 22 UNIDENTIFIED SPEAKER: Second.  
 23 CEDRIC SCOFIELD: All in favor, "Aye"?  
 24 (Majority said "Aye.")  
 25 CEDRIC SCOFIELD: Opposed? Abstentions?

1 (Majority said "Aye.")  
 2 GERALD MOAN: All those opposed? Any opposed?  
 3 (None.)  
 4 GERALD MOAN: Any abstentions?  
 5 (None.)  
 6 GERALD MOAN: South Carolina? South Dakota?  
 7 Housekeeping, South Dakota?  
 8 UNIDENTIFIED SPEAKER: Yeah, I think it's  
 9 housekeeping. We have the list of our three delegates,  
 10 our committee members here, signed by our state chair.  
 11 GERALD MOAN: State chair has a recognized name?  
 12 UNIDENTIFIED SPEAKER: Butch Thompson, Lisa  
 13 Thompson.  
 14 GERALD MOAN: Okay. He's replacing him and Lisa  
 15 Thompson?  
 16 UNIDENTIFIED SPEAKER: Well, not really. But that's  
 17 the gist of it. Judy Nelson, Trevor McDonald, and  
 18 Arlan Tekrooy. We were elected as a state convention  
 19 July 1st. We had to change one of the delegates at a  
 20 teleconference July 22nd. And this is signed by our  
 21 state chair.  
 22 GERALD MOAN: It's a housekeeping change. Give us  
 23 those names again.  
 24 UNIDENTIFIED SPEAKER: I could give them to that  
 25 secretary.

1 (None.)  
 2 (Gerald Moan returned to the proceedings.)  
 3 GERALD MOAN: Any challenges to Oregon?  
 4 UNIDENTIFIED SPEAKER: No challenges.  
 5 GERALD MOAN: Any challenges to Pennsylvania?  
 6 UNIDENTIFIED SPEAKER: No.  
 7 GERALD MOAN: Any challenges to Rhode Island? I get  
 8 the easy part, Cedric.  
 9 Any challenges to South -- oops; sorry --  
 10 Rhode Island?  
 11 GEORGE BEDFORD: I'm George Bedford from the great  
 12 little ocean state of Rhode Island. I got a letter from  
 13 our state chairman. I'll read it. It's very short.  
 14 "Rhode Island Reform Party Executive Committee met  
 15 August 7th, 2000, via telephone conference to approve  
 16 George Bedford as an alternate National Committee member  
 17 to replace William Greenwood, who could not attend the  
 18 National Committee meeting on August 8th." That's it.  
 19 GERALD MOAN: Housekeeping change. All those in  
 20 favor, I'd like to make a motion.  
 21 UNIDENTIFIED SPEAKER: I motion to accept.  
 22 GERALD MOAN: Second.  
 23 UNIDENTIFIED SPEAKER: Second.  
 24 GERALD MOAN: All those in favor, vigorously -- no,  
 25 no, no, no, no. Do that again. All those in favor?

1 GERALD MOAN: Okay.  
 2 BOB BOWES: Yes, thank you.  
 3 GERALD MOAN: Move that we accept the housekeeping  
 4 change.  
 5 UNIDENTIFIED SPEAKER: I second.  
 6 GERALD MOAN: Second.  
 7 UNIDENTIFIED SPEAKER: Second.  
 8 GERALD MOAN: Seconded, vigorously stand up and say  
 9 "Aye."  
 10 (Majority said "Aye.")  
 11 GERALD MOAN: All those opposed, meekly say "No."  
 12 (None.)  
 13 GERALD MOAN: Any abstentions? Silence.  
 14 UNIDENTIFIED SPEAKER: Mr. Chairman, I'd like to  
 15 thank the body for that hard vote.  
 16 GERALD MOAN: Moving on, I'm sorry. Tennessee, is  
 17 there anybody here for the purposes of challenge,  
 18 Tennessee? I'll recognize the state chair of Tennessee,  
 19 John Fey.  
 20 JOHN FEY: Thank you, Mr. Chairman. I am the state  
 21 chair of the Tennessee Reform Party committee. There's  
 22 no dispute about that. We had a National Committee  
 23 member that resigned in July -- on July 10th. And I  
 24 sent an e-mail to the secretary, Jim Mangio, and copied  
 25 you and copied (inaudible). And he would not change

1 that on the web site. We had a state caucus –  
 2 GERALD MOAN: Ladies and gentlemen, I'd like to have  
 3 quiet in the room so John can state the facts of the  
 4 case.  
 5 JOHN FEY: We held a state caucus July 22nd. We did  
 6 it by the textbooks. We sent out notice 30 days in  
 7 advance. We sent out three pages exactly, what we were  
 8 going to do. We held our state caucus. The membership  
 9 voted for new National Committee members: John Fey,  
 10 James T. Jones behind me, and Sherrie Kuykendall Fey.  
 11 You know, I have the pictures and so forth of the  
 12 blackboard. But, gosh, we've got tapes. We've got all  
 13 kinds of documentation. But, nevertheless, for some  
 14 reason –  
 15 GERALD MOAN: Are you, as a state, John, saying that  
 16 these are your National Committee members in the State  
 17 of Tennessee?  
 18 JOHN FEY: Yes, sir.  
 19 GERALD MOAN: For purposes of moving right along,  
 20 I'd entertain a motion to accept.  
 21 UNIDENTIFIED SPEAKER: I move to accept it.  
 22 GERALD MOAN: Second over here.  
 23 UNIDENTIFIED SPEAKER: Second.  
 24 GERALD MOAN: Badge man, all those in favor.  
 25 (Majority said "Aye.")

1 GERALD MOAN: Opposed?  
 2 (None.)  
 3 GERALD MOAN: John, why don't you go up and give him  
 4 the names – any in opposition? Any abstentions?  
 5 (None.)  
 6 GERALD MOAN: Okay. Texas, is there – are there  
 7 any challenges to the State of Texas being Jeannie  
 8 Doogs, Kelly Abt, Klimer Wright? See no challenges.  
 9 Utah? Utah, any challenges? Mary Ellen?  
 10 MARY ELLEN MOORE: Yes. Mary Ellen Moore from Utah.  
 11 This is just a housekeeping issue. We had one of our  
 12 National Committee members, Jeff Larson, take very ill  
 13 and had to have an emergency surgery. And we withdrew a  
 14 National Committee member. On August 5th, our Executive  
 15 Committee in Utah held an election and nominated and  
 16 elected David Smith, who is waiting outside. And I  
 17 would ask the body to please seat him as a third  
 18 National Committee member.  
 19 GERALD MOAN: I make a motion. Second in the room?  
 20 UNIDENTIFIED SPEAKER: Motion to seat.  
 21 GERALD MOAN: Motion to seat. Everybody is  
 22 motioning. All those in favor?  
 23 (Majority said "Aye.")  
 24 GERALD MOAN: Opposed?  
 25 UNIDENTIFIED SPEAKER: His name is David Smith.

1 BOB BOWES: David Smith replacing who?  
 2 UNIDENTIFIED SPEAKER: Jeff Larson.  
 3 BOB BOWES: Smith for Larson.  
 4 UNIDENTIFIED SPEAKER: Thank you very much,  
 5 Mr. Chairman.  
 6 GERALD MOAN: Moving forward, Vermont? Vermont?  
 7 Who is speaking?  
 8 PAULINE ROCCO: Pauline Rocco. My name is Pauline  
 9 Rocco. We would like to be recognized as the official  
 10 delegation from Vermont. Someone by the name of Russ  
 11 Capron was supposedly the representative of the Reform  
 12 Party, but he never was active. He let the party  
 13 dissolve. He didn't reregister in Vermont. He never  
 14 returned calls, didn't register any new members.  
 15 So we then called a formation meeting to become  
 16 active. We registered with the Secretary of State of  
 17 Vermont as the Vermont Reform Political Action  
 18 Committee. We have our number with the IRS. We had  
 19 held a meeting. We voted to adopt the National Reform  
 20 Party Constitution, and we elected a slate of delegates  
 21 and officers. And we signed up several new members at  
 22 our first meeting. And we would like to be recognized,  
 23 as they said, as the official delegation from Vermont.  
 24 FRANK REED: Are you a member of that affiliated  
 25 Reform Party state party organization?

1 PAULINE ROCCO: We formed the new one because that  
 2 one had dissolved. It's called Vermont Reform Political  
 3 Action Committee, and we are members.  
 4 FRANK REED: There's a problem here in the sense  
 5 that we have on the books affiliated –  
 6 UNIDENTIFIED SPEAKER: Microphone.  
 7 UNIDENTIFIED SPEAKER: Microphone.  
 8 FRANK REED: As we have on the books an affiliated  
 9 state party organization – I'm Frank Reed. I'm the  
 10 credentials chair, rules chair, and do a few other  
 11 things. And that affiliated state party organization is  
 12 on the books. Now, the question – I don't think we can  
 13 even address a question of provisional affiliation for  
 14 you. You would have to bring your case to the National  
 15 Convention that that other party has disappeared.  
 16 And there needs to be a new party. They could  
 17 then vote to disaffiliate that party and affiliate you  
 18 at that point, because we cannot do provisional  
 19 recognition of a party where one is already on the  
 20 books. And that's just for this meeting. Thursday,  
 21 bring it up. That would be the place on it.  
 22 UNIDENTIFIED SPEAKER: It's not on the books.  
 23 FRANK REED: Well, it's on the record of a state  
 24 party organization there. And the convention does not  
 25 address that issue of this affiliation.

1 UNIDENTIFIED SPEAKER: Excuse me. I've got a point  
2 of order, sir.  
3 FRANK REED: Go ahead.  
4 JERRY HEINEMAN: In Vermont -- this is Jerry  
5 Heineman from West Virginia. Under Vermont law,  
6 technically, they cannot form a (inaudible) party during  
7 election year. They have to do it on the odd year. So  
8 you have to have ten people from ten (inaudible) across  
9 the state.  
10 So the only option they had -- since the 1996  
11 party dissolved itself in 1998, the only option they had  
12 under Vermont law was to form the political committee --  
13 the Vermont Political Committee of the Reform Party USA  
14 in compliance with the 1998 FEC advisory opinion that  
15 was given to Russ Vernie of this party.  
16 FRANK REED: Gerry, I understand what you're saying  
17 and the legal case. And I do not dispute what you're  
18 saying. I'm saying the job of affiliation is for the  
19 National Convention, not for this committee.  
20 JERRY HEINEMAN: But --  
21 FRANK REED: No. But as --  
22 JERRY HEINEMAN: If original status, provisional  
23 status, can be given this time --  
24 GERALD MOAN: Can he --  
25 FRANK REED: Can he -- can he (inaudible) a

1 provisional organization where one is on the books? The  
2 National Convention is the only one that can address  
3 that question of taking something off the books.  
4 UNIDENTIFIED SPEAKER: Point of order question.  
5 GERALD MOAN: Sure. Go ahead.  
6 UNIDENTIFIED SPEAKER: Are these members of the  
7 Reform Party?  
8 GERALD MOAN: They -- that's a situation described  
9 in the Constitution, that where there is -- where they  
10 have said that they're not a member of the state party  
11 organization, that obviously is -- let's say that's  
12 disappeared. Now, there can be Reform Party members.  
13 But those members have to be a member of an affiliated  
14 state party organization, of which it's gone. Okay?  
15 But it's not gone, as far as the National  
16 Convention is concerned. You have to address that with  
17 that group. Let's not make a big deal of this and move  
18 on, have a meeting, and bring this up tomorrow at the  
19 correct body, and then we can get it taken care of.  
20 UNIDENTIFIED SPEAKER: We'll be here tomorrow.  
21 Don't worry about it.  
22 KELLY ABT: Mr. Chairman, I'd like to make a motion  
23 that we continue on with the next state and that this  
24 issue be decided tomorrow.  
25 UNIDENTIFIED SPEAKER: So moved.

1 GERALD MOAN: Correct.  
2 The next state is Virginia. Virginia? Is  
3 Virginia -- anybody challenging Virginia other than a  
4 drove of people? Okay. Makes sense. Mr. Abt has made  
5 a motion. It's been seconded that we move on to the  
6 next order of business and leave the matter of the State  
7 of Vermont to the Credential Committee of the National  
8 Convention. All those in favor?  
9 (Majority said "Aye.")  
10 GERALD MOAN: Opposed?  
11 (None.)  
12 GERALD MOAN: So moved. Any abstentions?  
13 (None.)  
14 GERALD MOAN: Is there anybody to challenge the  
15 State of Virginia?  
16 UNIDENTIFIED SPEAKER: Point of information,  
17 Mr. Chairman. There is no challenge to Virginia. There  
18 is no state party recognized in Virginia, so we are  
19 going to present our case before this body.  
20 FRANK REED: Gerry, Let me address that. Again,  
21 this question came up in Nashville. In my opinion, it  
22 was handled badly. It's come up on the Executive  
23 Committee. The Executive Committee has voted. It was  
24 the Reform Party from Virginia that's on the books as an  
25 affiliated state party organization that's headed by Sue

1 Harris Debauche, and this group does not have the power  
2 to disaffiliate that party and recognize another group.  
3 Again, the venue for bringing this issue -- I'm  
4 not saying you don't have good reasons for bringing it  
5 up, but I'm not going to make a statement on that. But  
6 I would respectfully suggest that you delay this  
7 particular issue until the National Convention, where it  
8 can be legitimately and legally addressed.  
9 UNIDENTIFIED SPEAKER: I understand your point, sir.  
10 Let me make one point. We have the official transcript  
11 from the National Committee meeting that occurred on  
12 November 12th -- I'm sorry -- February 12, 2000, with  
13 this body by an 82-to-21 vote, voted to not recognize  
14 any party in the State of Virginia. We have that  
15 information. We'd like to pass it to you now, if you  
16 care to read it. So, therefore, there is no state  
17 affiliate party in the State of Virginia, but the  
18 two-thirds majority vote of this body that is seated  
19 right here.  
20 GERALD MOAN: I recall that that group -- other  
21 group was seated at that National Committee meeting.  
22 UNIDENTIFIED SPEAKER: No, they were not, sir. We  
23 have the official transcript, if you'd care to read it.  
24 GERALD MOAN: I've been asked --  
25 UNIDENTIFIED SPEAKER: Excuse me. May I make a

1 point, Mr. Chairman? If you'll read the last five pages  
2 starting with Page 15, it's very clear.

3 GERALD MOAN: We have multiple copies of the  
4 transcript of the trial. We have the attorney that  
5 represented the Reform Party in that trial. I will  
6 entertain a motion from the floor that we table this  
7 until the National Convention Credentials Committee  
8 tomorrow.

9 UNIDENTIFIED SPEAKER: So moved.

10 UNIDENTIFIED SPEAKER: So moved.

11 GERALD MOAN: We have a first and a second. Tim, is  
12 that you back there? We have a second.

13 UNIDENTIFIED SPEAKER: Second.

14 GERALD MOAN: On the question, I need you to rise.

15 KELLY ABT: Point of order, Mr. Chairman.

16 GERALD MOAN: Sir?

17 KELLY ABT: It's not clear, I don't believe, to this  
18 body the gentleman's talking about this particular  
19 situation. We know not who the members are that he  
20 states should be recognized as National Committee  
21 members, and so I'd like to hear -- just get a little  
22 more of the substance of the case out there for the  
23 bodies to rule.

24 GERALD MOAN: Kelly, it's really an interpretation  
25 of the affiliation agreement. The reason -- I mean,

1 until the National Convention Credential Committee rise.  
2 (Majority said "Aye.")

3 GERALD MOAN: Nays? Two nays.

4 UNIDENTIFIED SPEAKER: West Virginia.

5 GERALD MOAN: It appears that the ayes have it.  
6 Make sure you have all your documentation done and  
7 everybody else for Tom's convention.

8 UNIDENTIFIED SPEAKER: We do, sir. Thank you for  
9 your time, and thank you for your attention.

10 GERALD MOAN: Believe me, if there's anybody who  
11 wants to resolve Virginia, it's me.

12 State of Washington, do we have any challenges  
13 in the State of Washington? Yes, sir. State your name  
14 for the purpose of the record.

15 MICHAEL FLYNN: My name is Michael Flynn. And  
16 ladies and gentlemen, we are here really about truth and  
17 adherence to the law. That's paramount to each of us,  
18 to the Reform Party in our country. We followed the  
19 law. Our opponents did not. This here is the law of  
20 the State of Washington. Section 292420 stipulates that  
21 the Nomination Convention must be held between the last  
22 Saturday of June and the first Saturday of July.

23 We upheld that. Our opponents did not. We  
24 recognized our opponents had no intention to uphold that  
25 state law nor hold a Nomination Convention within the

1 Nashville said they will not -- did not take away  
2 affiliation of the Virginia Debauche group. What it  
3 said was that they will recognize no one. Subsequently,  
4 in a court of law, it said it was -- I don't know what  
5 it said.

6 But, basically, what it said was that we  
7 attempted to do an affiliation, withdrawal of an  
8 affiliation. It wasn't recognized. We attempted to,  
9 you know, ascertain: Were they dissolved? Did they  
10 dissolve? Okay. We couldn't really put our fingers on  
11 it. Did they dissolve? So, therefore, that was a  
12 question of affiliation to be handled in the next  
13 National Convention.

14 So, therefore, I'm still entertaining a motion  
15 that's been seconded, to table this discussion on  
16 Virginia to be handled by the National Convention  
17 Credentials Committee.

18 UNIDENTIFIED SPEAKER: Can I sneak a real quick one  
19 in here? If the Virginia delegation is not here, aren't  
20 they forfeiting their right to --

21 GERALD MOAN: No. All the rest of the members that  
22 have not been challenged --

23 UNIDENTIFIED SPEAKER: Call the question.

24 GERALD MOAN: Call the question. All those in favor  
25 of ruling of siding with the chair that we table this

1 parameters of the law; therefore, we had the obligation  
2 to get the Reform Party on our state ballot. We  
3 properly publicized our convention and honored -- and  
4 were honored to have Pat Buchanan present at our  
5 convention, lecturers, National Committee members, and  
6 delegates.

7 Our convention right here was publicized the  
8 day after it was held, and the parameter -- within the  
9 parameters of the law, we nominated Pat Buchanan as our  
10 candidate for the Reform Party ballot in the State of  
11 Washington. Had we not thus acted, then the Reform  
12 Party would not have a candidate on the ballot in  
13 November in the State of Washington.

14 Our opponents also had a meeting two weeks  
15 after, outside of the law, which they held; and they  
16 held such a secret meeting with the intention to  
17 undermine and rig undermining of our legally held  
18 convention. So my question to the body here is: We ask  
19 you to recognize our National Committee members as the  
20 honorable and only legally binding Reform Party  
21 representation. Thank you.

22 GERALD MOAN: Are you folks a member of the existing  
23 organization?

24 MICHAEL FLYNN: Yes, we are.

25 UNIDENTIFIED SPEAKER: Sir?

1 GERALD MOAN: Yes, sir. I'm sorry. Speaking  
 2 against the challenge?  
 3 CONNOR COUGHLIN: Yes, sir.  
 4 GERALD MOAN: Okay.  
 5 CONNOR COUGHLIN: My name is Connor Coughlin. I am  
 6 a National Committee member elected at July 15th at a  
 7 very well publicized convention. You, the Reform Party,  
 8 made every effort to get the Buchanan folks there who  
 9 were in attendance in large numbers. This was posted on  
 10 the Internet. It was sent out in the mail. We followed  
 11 all the requirements of the law. We are long-term  
 12 members of the Reform Party. We founded the party. We  
 13 built the party.  
 14 And I can tell you, quite honestly, that I have  
 15 been standing here supporting, keeping this process open  
 16 to all, including the Buchanans. I've called the  
 17 Buchanan campaign constantly, kept him up to date. This  
 18 was a Freedom Party nomination. None of these people  
 19 came together as Reform Party members. They came as the  
 20 Freedom Party. I don't know these folks from Adam.  
 21 They have never appeared at one Reform Party meeting,  
 22 that I'm aware of, and I've been at most of them. Thank  
 23 you.  
 24 UNIDENTIFIED SPEAKER: Thank you. We have had  
 25 representation. And the stipulation there is they held

1 their meeting, a secretively held meeting --  
 2 GERALD MOAN: Time out. Answer me one question.  
 3 UNIDENTIFIED SPEAKER: Yes?  
 4 GERALD MOAN: How do we -- what is the name of the  
 5 organization?  
 6 UNIDENTIFIED SPEAKER: The organization for?  
 7 GERALD MOAN: Your organization.  
 8 UNIDENTIFIED SPEAKER: In answer to your question,  
 9 since the Reform Party did not hold their meeting within  
 10 the parameters of the law, we were forced to hold our  
 11 meeting within the parameters of the law to get the  
 12 Reform Party on the ballot in November. That didn't  
 13 occur. It was outside the law.  
 14 GERALD MOAN: I asked a question.  
 15 UNIDENTIFIED SPEAKER: Freedom Party.  
 16 GERALD MOAN: Okay. That's an affiliation question,  
 17 I believe, between two competing state organizations.  
 18 UNIDENTIFIED SPEAKER: At the moment the Reform  
 19 Party has zero person on ballot in the State of  
 20 Washington, because they acted outside the parameters of  
 21 of the law.  
 22 GERALD MOAN: I understand that that's an  
 23 affiliation question. I mean, I recommend the same  
 24 motion. Anybody -- Tim is making the motion. Kelly,  
 25 you seconding the motion?

1 KELLY ABT: I second.  
 2 GERALD MOAN: It's an affiliation question that  
 3 should be handled by the National Convention Credentials  
 4 Committee.  
 5 Any opposition other than the three folks here?  
 6 Yes, sir?  
 7 UNIDENTIFIED SPEAKER: I'd like to vote on it today.  
 8 GERALD MOAN: Well, we're voting on tabling it for  
 9 Tom's Convention Credentials Committee, correct?  
 10 UNIDENTIFIED SPEAKER: Correct.  
 11 GERALD MOAN: All those in favor?  
 12 (Majority said "Aye.")  
 13 GERALD MOAN: Move it.  
 14 UNIDENTIFIED SPEAKER: Thank you.  
 15 GERALD MOAN: Any opposed?  
 16 UNIDENTIFIED SPEAKER: One.  
 17 GERALD MOAN: Any abstention?  
 18 UNIDENTIFIED SPEAKER: Just a point of  
 19 clarification.  
 20 GERALD MOAN: Yes, sir.  
 21 UNIDENTIFIED SPEAKER: We're not tabling anything  
 22 for this body. We're simply --  
 23 GERALD MOAN: Referring --  
 24 UNIDENTIFIED SPEAKER: -- trying not to consider it  
 25 at this time. Move to object to the consideration. I

1 call the question to object to the consideration.  
 2 GERALD MOAN: Okay.  
 3 UNIDENTIFIED SPEAKER: Mr. Chairman, for the  
 4 purposes of consistency, I want to ask: There was a --  
 5 there was some folks that came up before the body  
 6 earlier regarding Colorado. Was that -- as I recall, it  
 7 seemed like that was a group that had identified  
 8 themselves as the Freedom Party. They had members  
 9 stating that they were members of the Reform Party. But  
 10 for the purpose of consistency, should they be  
 11 recognized? Because we are refusing to address issues  
 12 very similar to that.  
 13 GERALD MOAN: It's a --  
 14 UNIDENTIFIED SPEAKER: I mean, if you're going to be  
 15 consistent --  
 16 GERALD MOAN: It's a valid point. I think they  
 17 should also present their credentials in the Credentials  
 18 Committee. The body is allowed to make an error.  
 19 UNIDENTIFIED SPEAKER: Should we correct that error  
 20 right now, Tim?  
 21 GERALD MOAN: Tim?  
 22 TIM MILLER: Just because of clarification, the  
 23 chair ruled because we began that motion before that  
 24 point of order. We let Colorado go. But, certainly,  
 25 Colorado will be dealt with tomorrow. For consistency

1 of what we have done earlier in this meeting, which is  
 2 set aside any issues with bifurcation or intraparty  
 3 disputes for body (inaudible), so Colorado was an  
 4 exception to the body, a noted error made. And we'll  
 5 deal with that tomorrow. Can you validate that,  
 6 chairman?  
 7 GERALD MOAN: Okay. What I would like to do is to  
 8 clear up and remain consistent. So call for a motion to  
 9 reconsider the vote on Colorado.  
 10 UNIDENTIFIED SPEAKER: I motion to re-call to vote  
 11 on Colorado.  
 12 UNIDENTIFIED SPEAKER: I move re-reconsider the  
 13 motion to vote on Colorado.  
 14 UNIDENTIFIED SPEAKER: I second it.  
 15 GERALD MOAN: Tim, say that again.  
 16 TIM MILLER: I move that we reconsider the previous  
 17 motion that was passed to seat the National Committee  
 18 men from Colorado.  
 19 GERALD MOAN: We need a second.  
 20 UNIDENTIFIED SPEAKER: Second.  
 21 UNIDENTIFIED SPEAKER: Come on. What's the matter  
 22 with you guys?  
 23 TIM MILLER: I'm voting in favor of the motion now.  
 24 GERALD MOAN: Tim, in order to reconsider, you must  
 25 have voted in the affirmative.

1 UNIDENTIFIED SPEAKER: Vote in the affirmative?  
 2 GERALD MOAN: On the question of to reconsider. All  
 3 those in -- do we have a second? So in order to  
 4 reconsider, what we're doing is vacating our vote on  
 5 Colorado.  
 6 KELLY ABT: Mr. Chairman, point of order.  
 7 GERALD MOAN: Kelly, go ahead.  
 8 KELLY ABT: Yes. I'd like to go ahead and speak in  
 9 favor of --  
 10 GERALD MOAN: The motion.  
 11 KELLY ABT: -- of the motion -- of the previous  
 12 motion. So in other words, I'd like to speak against  
 13 reconsidering the matter at this time. And it certainly  
 14 would be having an opportunity to be handled tomorrow in  
 15 the credentials meeting. And so I move that we go ahead  
 16 and vote on the previous motion.  
 17 KLIMER WRIGHT: Mr. Chairman, Mr. Chairman, Klimer  
 18 Wright, Texas. I move to speak against my good friend  
 19 Tim's motion. We have already handled this Colorado  
 20 situation. In order to be fair to them and to us, we'd  
 21 have to go back and get both sides of the presentation  
 22 again. They had some very good points that they made in  
 23 their presentation, and this body has accepted it.  
 24 If we don't need to go back and reconsider all  
 25 these delegations that we've already decided, let's move

1 forward. We've got a lot of important business to take  
 2 care of here today. Okay? Let's move forward, take  
 3 care of this business, get out of here, and go do some  
 4 celebration tonight, 'cause we've earned it. Okay?  
 5 Let's go.  
 6 GERALD MOAN: On the motion to reconsider, a vote in  
 7 the affirmative would be a vote to relook at Colorado.  
 8 All those voting in favor of voting to reconsider  
 9 Colorado, signify by standing up and saying "Aye."  
 10 Opposed? Democracy in action.  
 11 (Majority said "Nay.")  
 12 GERALD MOAN: Wisconsin -- excuse me.  
 13 West Virginia, anybody in opposition? I'd like to  
 14 state, for the record, it was clear by the standing of  
 15 the voters in the "Nay" variety, they clearly won, not  
 16 only in the opinion of the chair, but in the opinion of  
 17 the body.  
 18 Any opposition to West Virginia? Jerry, don't  
 19 look around so hard.  
 20 Wisconsin? Wisconsin? Anybody rise to  
 21 challenge Wisconsin?  
 22 Thank God, we're now going to talk about  
 23 Wyoming. Tim, did we save the best for last time?  
 24 UNIDENTIFIED SPEAKER: Somebody has to be last.  
 25 GERALD MOAN: Somebody has to be last.

1 TIM MILLER: It was duly elected on August 1st, and  
 2 these items were submitted to the web site and all  
 3 appropriate agencies.  
 4 GERALD MOAN: Tim, is this a housekeeping change?  
 5 TIM MILLER: Yes. I believe there also was a  
 6 challenge, but I don't think that person is here. The  
 7 people that were selected are Bill Strickland and Frank  
 8 Miller. And they are here in the back of the room, and  
 9 they would like to take their seats.  
 10 GERALD MOAN: And, Tim, are you -- you're the state  
 11 chair?  
 12 TIM MILLER: I am the state chair, and I have also  
 13 submitted my resignation as the National Committee man.  
 14 And we have here Karen Scrones to take my place. She  
 15 was duly selected by the state Executive Committee to  
 16 fill my position. So with your approval or the approval  
 17 of this body, they can take their seat. Thank you.  
 18 GERALD MOAN: Okay. All those -- I'll entertain a  
 19 motion to accept members as state chair for --  
 20 UNIDENTIFIED SPEAKER: Second.  
 21 GERALD MOAN: Seconded. All those in favor, stand  
 22 up. All those in favor, stand up and say "Yes."  
 23 (Majority said "Yes.")  
 24 BOB BOWES: I need the names.  
 25 GERALD MOAN: Tim, if you can come forward and give

1 him the names.  
 2 All those opposed? There appears to be no  
 3 opposition. All those — abstention? Anybody  
 4 abstaining?  
 5 (None.)  
 6 DAVE GOLDMAN: Mr. Chairman?  
 7 GERALD MOAN: Yes, Mr. Goldman. Can we have order  
 8 in the room.  
 9 DAVE GOLDMAN: I'm alphabetically challenged. I  
 10 brought Wyoming in before Wisconsin.  
 11 GERALD MOAN: Excuse me?  
 12 DAVE GOLDMAN: I'm alphabetically challenged. I  
 13 brought Wyoming in before Wisconsin. But we have  
 14 Wisconsin outside, and we have one person from  
 15 Connecticut who is with her badge. She's here because  
 16 her flight was delayed.  
 17 GERALD MOAN: Wisconsin, is this an affiliation  
 18 question?  
 19 DAVE GOLDMAN: I don't know if Wisconsin is, but I  
 20 know Connecticut is.  
 21 GERALD MOAN: Now, who do we have here from  
 22 Wisconsin?  
 23 DAVE GOLDMAN: Wisconsin folks.  
 24 GERALD MOAN: Is it a matter of affiliation?  
 25 UNIDENTIFIED SPEAKER: We're challenging the Reform

1 Grebansin. I'm chairman of the Freedom Party of  
 2 Connecticut.  
 3 GERALD MOAN: Thank you very much. This is an  
 4 affiliation question. I will make a motion we table  
 5 this to tomorrow's convention committee.  
 6 UNIDENTIFIED SPEAKER: So moved.  
 7 GERALD MOAN: All those in favor, stand up and say  
 8 "Aye."  
 9 (Majority said "Aye.")  
 10 GERALD MOAN: Opposed? About two. The ayes have  
 11 it.  
 12 Are there any other challenges to come before  
 13 the body? That being recognized, the court reporter,  
 14 who is diligently over there pounding away on that  
 15 little machine, she needs a break. We need a break.  
 16 But I would caution you, I want to get going in five  
 17 minutes. Do not stray, because I understand that  
 18 there's some other folks that want to come back to a  
 19 meeting. By the way, I need a couple of deputies to  
 20 hand out the voting cards so we can let the people in  
 21 that have been standing out outside all day.  
 22 (Recess taken.)  
 23 GERALD MOAN: The chairman is calling the meeting  
 24 back to order. Please take your seats. We need to make  
 25 a very concerted effort to make sure we move forward.

1 Party and affiliations.  
 2 GERALD MOAN: Just come to the front of the room or  
 3 to the microphone and state that it's an affiliation  
 4 question. Separate organization, correct? Let you guys  
 5 sit down.  
 6 UNIDENTIFIED SPEAKER: Right here.  
 7 GERALD MOAN: Is this an affiliation question?  
 8 There are two separate groups from Wisconsin?  
 9 UNIDENTIFIED SPEAKER: There are two separate groups  
 10 in Wisconsin.  
 11 GERALD MOAN: I will entertain a motion to table  
 12 this or to move this to the Credential Committee  
 13 tomorrow.  
 14 UNIDENTIFIED SPEAKER: Second.  
 15 GERALD MOAN: All those in favor, stand up and say  
 16 "Aye."  
 17 (Majority said "Aye.")  
 18 GERALD MOAN: You're not getting lazy on me. All  
 19 those opposed? There's no — in the back, three.  
 20 GERALD MOAN: Any abstentions?  
 21 (None.)  
 22 GERALD MOAN: Okay. David, thank you. Any other —  
 23 DAVE GOLDMAN: Last one. Lady just flew in from  
 24 Connecticut. And, boy, are her arms tired.  
 25 SHERILYN GREBANSIN: Thank you. I'm Sherilyn

1 Anybody that has been seated as a bona fide National  
 2 Committee member come up and get your voting credentials  
 3 from Bob Bowes.  
 4 Russ, Russ Whittenberg, Russ, have you got a  
 5 voting card?  
 6 RUSS WHITTENBERG: (Indicating.)  
 7 GERALD MOAN: Could you start rounding people up,  
 8 please? Have the people come back in. The National  
 9 Committee members that have voting credential cards,  
 10 please sit up front. I would like some seating from the  
 11 people that have been waiting around here for 12 hours  
 12 and whatever it's been. Is Kelly Abt in the room? Is  
 13 Kelly Abt in the room? Is Tim Miller in the room?  
 14 Please, let's move into the room, please. Gang, if we  
 15 get our business conducted, then we can go kibbitz other  
 16 places. I will be surfing at 5:00 o'clock, and I'm  
 17 going to raise money for the Reform Party because I'm  
 18 going to do it with a thong on.  
 19 UNIDENTIFIED SPEAKER: I'll pay you \$100 if you  
 20 don't.  
 21 GERALD MOAN: Okay. We have a bid, \$100 if I don't.  
 22 UNIDENTIFIED SPEAKER: I'll move we pay you not to  
 23 put on a thong.  
 24 GERALD MOAN: We're bidding on that. Now we're  
 25 bidding. Okay. Here. \$100 over here not to have me put

1 on a thong. Do we hear 200? We could do matching funds  
2 all day here.

3 Can we have order in the room? Can we have  
4 people sitting down? Can we have people not milling in  
5 the back? Those of you that are milling, mill other  
6 places. Voting members, please sit forward. Move  
7 forward. Voting members, move forward, please. Is  
8 Kelly Abt in the room? Is Kelly Abt in the hall? Is  
9 Kelly Abt in Long Beach?

10 Hey, Tim, anybody that is a sitting National  
11 Committee member, call the meeting to order. Let's have  
12 quiet in the room. Campaigning is for outside here.  
13 Anybody that does not have one of these (indicating),  
14 please come forward very, very quickly. Go to see Bob  
15 Bowes. Okay. Can we have order in the room? Tim, roll  
16 call for -- first, Mr. Goldman --

17 DAVE GOLDMAN: Yes, sir.

18 GERALD MOAN: -- would you and the other members of  
19 the National Committee come forward and take a seat?

20 DAVE GOLDMAN: Sir, I'm no longer a National  
21 Committee --

22 GERALD MOAN: You're no longer a member of the  
23 National Committee? Would you stand in the back with  
24 the visitors?

25 DAVE GOLDMAN: Yes, sir.

1 once --

2 UNIDENTIFIED SPEAKER: No.

3 UNIDENTIFIED SPEAKER: No. We're still missing  
4 members.

5 GERALD MOAN: Come forward. Come on, Dottie. You  
6 want to see that -- quickly. Quickly. Anybody? Any  
7 voting delegate not have a voting card? That being  
8 established, for the purposes of establishing --  
9 reestablishing quorum, we will have a roll call vote by  
10 name of the delegates in the room in three minutes.

11 Anybody have interesting stories? Anything up  
12 there in the campaign trial, the petition trial, that  
13 you want -- I just want to make sure Mr. Bowes is ready  
14 with the list. When he says, "Go," we will go forward  
15 with fervor. We're going to have a roll call vote.  
16 Okay? Everybody have a voting card? I would ask of the  
17 visitors not to come up into the voting section until  
18 all business is covered, just so we can maintain some  
19 sense of order.

20 UNIDENTIFIED SPEAKER: Is there a printed agenda?

21 GERALD MOAN: Is there a printed agenda? It went  
22 out with the call to the meeting. And that was for the  
23 preparation -- overseeing the preparations of the  
24 convention. Is everybody ready? Hopefully, when we  
25 leave here, go back to your states, what we'll do is

1 GERALD MOAN: Tim, are you a National Committee  
2 member? Don't worry. You will be soon.

3 Does everybody have a voting card? Come up and  
4 get --

5 UNIDENTIFIED SPEAKER: I have a question.

6 GERALD MOAN: The visitors are allowed in. That's  
7 why we want everybody to have a voting card. The  
8 voters -- it's open to the public. Stand in the back of  
9 the room.

10 UNIDENTIFIED SPEAKER: There's chairs.

11 GERALD MOAN: Yes, sir.

12 UNIDENTIFIED SPEAKER: There's chairs next door.

13 GERALD MOAN: There's chairs next door. Fire at  
14 will.

15 UNIDENTIFIED SPEAKER: We're still missing one  
16 delegate or one member of the committee.

17 GERALD MOAN: Where are they?

18 UNIDENTIFIED SPEAKER: Ladies' room. I don't know.

19 UNIDENTIFIED SPEAKER: Indisposed.

20 GERALD MOAN: Kelly Abt in the room? You're always  
21 last. I figured everybody else is here.

22 Kelly, do you have a voting card?

23 KELLY ABT: I do.

24 GERALD MOAN: Okay. Does every registered member of  
25 the National Committee have a voting card? Going

1 reinforce our principles and our platform. We'll go  
2 back and grow the party, continue the forward progress  
3 that we've exhibited here today. We will not take the  
4 word "no" for an answer.

5 You will be inclusionary, united, not divided.  
6 You will build and not tear down. Bob, this is that  
7 stretch thing I'll tell you -- but, no. Seriously, we  
8 have to grow the party. We have to find for those state  
9 chairs that are out there and members of state  
10 organizations, find candidates. The best advertisement  
11 is in the ballot box, the Reform Party. Find good  
12 quality candidates. Help them to fund raise tomorrow  
13 and the next day.

14 Over at the business office, I prepared my  
15 campaign mandate. It ain't slick. It ain't got those  
16 pretty binders and all that other nonsense. But it's  
17 for uninitiated into the roles of running for office.  
18 Mr. Kerkman will not get me to run for office. He is  
19 busy writing his bylaws over or something. Three more  
20 states. That means nine people.

21 But, listen, when you go out there and people  
22 from the press ask you what happened today, it's -- we  
23 are in the transition of building a party. We are  
24 building a party. We are building the party. We're  
25 building the party. We are not exclusionary, we are not

1 divisive, and we do not seek to destroy something we  
2 cannot control.

3 For many years, I've heard the word "democracy"  
4 brought up by different factions of the party. I found  
5 out today that those words were in name only. So,  
6 therefore, when we preach about democracy, this is now a  
7 political party. It is not a think tank or a thought  
8 group. It is something where votes count, members'  
9 votes count.

10 And you know what? We better get smart and  
11 count votes, because the thing is, is that's the only  
12 way you win in the game. You have a candidate. It  
13 doesn't say he ran a good fight. It says at the end  
14 whether he got elected or not. And that's by counting  
15 votes. Democracy is not a buzz word. It is something  
16 practiced by the Reform Party. Tell me what it states,  
17 Bob. All right?

18 TIM MILLER: Tim Miller from Arkansas.  
19 Mr. Chairman, I respectfully request we have a roll call  
20 vote and each person signify by name.

21 UNIDENTIFIED SPEAKER: Vote on what?

22 TIM MILLER: That they are here.

23 GERALD MOAN: Okay. Bob, why don't you call the  
24 roll call.

25 BOB BOWES: All right. The roll is -- I'll read it

1 BOB BOWES: Madori?  
2 SUSAN MADORI: Here.

3 BOB BOWES: Charles -- hold on a second. Yeah, Dan  
4 Charles, Colorado?

5 DAN CHARLES: Here.

6 BOB BOWES: Patrick Dolan?  
7 PATRICK DOLAN: Here.

8 BOB BOWES: Lorentz?  
9 JERRY LORENTZ: Here.

10 BOB BOWES: Hemingway?  
11 JOHN HEMINGWAY: Here.

12 BOB BOWES: Alexander?  
13 PHIL ALEXANDER: Here.

14 BOB BOWES: Parker?  
15 ANDREW PARKER: Here.

16 BOB BOWES: Shields?  
17 WILLIAM SHIELDS: Here.

18 BOB BOWES: Hrzic?  
19 STEVEN HRZIC: Here.

20 BOB BOWES: Kendall?  
21 DOROTHY KENDALL: Here.

22 BOB BOWES: James?  
23 ELAINE JAMES: Here.

24 BOB BOWES: This is Florida.  
25 UNIDENTIFIED SPEAKER: "Jane"?

1 by alphabetical state. I'll just need to read the last  
2 name, and please signify. Just say "Here."

3 Belcher?

4 BOB BELCHER: Here.

5 BOB BOWES: Morrow?  
6 MILTON MORROW: Here.

7 BOB BOWES: Van Sandt?  
8 JOHN VAN SANDT: Here.

9 BOB BOWES: Wassell?  
10 ED WASSELL: Here.

11 BOB BOWES: Lynn?  
12 BOB LYNN: Here.

13 BOB BOWES: Bird?  
14 ROBERT BIRD: Here.

15 BOB BOWES: Kerkman?  
16 GENE KERKMAN: Here.

17 BOB BOWES: Whittenberg?  
18 RUSS WHITTENBERG: Here.

19 BOB BOWES: Other Whittenberg?  
20 MARGO WHITTENBERG: Here.

21 BOB BOWES: Mills?  
22 UNIDENTIFIED SPEAKER: Mills, California.

23 RAY MILLS: Here.

24 BOB BOWES: Stransky?  
25 BRIAN STRANSKY: Here.

1 BOB BOWES: McConnell?  
2 JIM McCONNELL: Here.

3 BOB BOWES: Susko?  
4 BARBARA SUSKO: Here.

5 BOB BOWES: Georgia, David Denny? Charles Collins?  
6 Hargrave?  
7 Hawaii, Hopkins?  
8 KRISTEN HOPKINS: Here.

9 BOB BOWES: Terry?  
10 MARK TERRY: Here.

11 BOB BOWES: Jackson?  
12 JOHNNIE JACKSON: Here.

13 BOB BOWES: Don Schanz?  
14 DON SCHANZ: Here.

15 BOB BOWES: Bill Call?  
16 BILL CALL: Here.

17 BOB BOWES: Sonia Chance?  
18 SONIA CHANCE: Here.

19 BOB BOWES: Nyberg? Illinois, Nyberg? Rakes? Lisa  
20 Thompson, Illinois?  
21 Indiana, Burns?  
22 MARGARET BURNS: Here.

23 BOB BOWES: Conley?  
24 BOB CONLEY: Here.  
25 BOB BOWES: Reszel?

1 PAUL RESZEL: Here.  
 2 BOB BOWES: Iowa, Miller?  
 3 BUZZ MILLER: Here.  
 4 BOB BOWES: Stanley? Stanley?  
 5 Ivers?  
 6 DREW IVERS: Here.  
 7 BOB BOWES: Kansas, Wilson?  
 8 Paulson?  
 9 JACK PAULSON: Here.  
 10 BOB BOWES: Charlotte Paulson?  
 11 Kentucky, Anthony?  
 12 Hillbrandt?  
 13 JEFF HILLBRANDT: Here.  
 14 BOB BOWES: Lenczyk? Lenczyk?  
 15 Kentucky, Jeanette?  
 16 Louisiana, Mule?  
 17 DIDI MULE: Here.  
 18 BOB BOWES: Monk?  
 19 B.J. MONK: Here.  
 20 BOB BOWES: Watson?  
 21 DOTTIE WATSON: Here.  
 22 BOB BOWES: Maine, Kenny?  
 23 WENDELL KENNY: Here.  
 24 BOB BOWES: Kenny.  
 25 Andrews?

1 BOB BOWES: Hey?  
 2 JOHN HEY: Here.  
 3 BOB BOWES: Missouri, Terry?  
 4 LARRY TERRY: Here.  
 5 BOB BOWES: Overholtzer? Tolbert?  
 6 Montana, Myers?  
 7 J.R. MYERS: Here.  
 8 BOB BOWES: Brewer?  
 9 R.J. BREWER: Here.  
 10 BOB BOWES: James?  
 11 CAJUN JAMES: Here.  
 12 BOB BOWES: Nebraska, Damasauskas?  
 13 TERESA DAMASAUASKAS: Here.  
 14 BOB BOWES: Weston?  
 15 LORETTA WESTON: Here.  
 16 BOB BOWES: Skinner?  
 17 JANELL SKINNER: Here.  
 18 BOB BOWES: Nevada, Steele?  
 19 TIMOTHY STEELE: Here.  
 20 BOB BOWES: Bill Grutzmacher?  
 21 BILL GRUTZMACHER: He's here.  
 22 BOB BOWES: Agnes?  
 23 AGNES GRUTZMACHER: Here.  
 24 BOB BOWES: Grutzmacher.  
 25 New Hampshire, Maravelias? Ted Maravelias, New

1 Gardiner?  
 2 LARRY GARDINER: Here.  
 3 BOB BOWES: Maryland, Casagranda?  
 4 WILLIAM CASAGRANDA: Here.  
 5 BOB BOWES: Anderson?  
 6 Massachusetts, Lizotte? Dougherty?  
 7 Higgins?  
 8 BILL HIGGINS: Yeah.  
 9 BOB BOWES: Michigan, Forton?  
 10 MARK FORTON: Here.  
 11 BOB BOWES: Steiner?  
 12 SANDRA STEINER: Here.  
 13 BOB BOWES: Landry?  
 14 JOSEPH LANDRY: Here.  
 15 BOB BOWES: Minnesota, Laguban?  
 16 "LAGUBAN": Laguban.  
 17 BOB BOWES: Laguban.  
 18 Bongaards?  
 19 "BONGAARDS": Here.  
 20 BOB BOWES: Maxim?  
 21 "MAXIM": Here.  
 22 BOB BOWES: Mississippi, Goldman?  
 23 "GOLDMAN": Here.  
 24 BOB BOWES: Walters?  
 25 RON WALTERS: Here.

1 Hampshire?  
 2 UNIDENTIFIED SPEAKER: He's in the men's room.  
 3 BOB BOWES: Winters?  
 4 "WINTERS": Here.  
 5 BOB BOWES: Uscinski?  
 6 SHELLEY USCINSKI: Here.  
 7 BOB BOWES: New Jersey, Sansone?  
 8 JOE SANSONE: Here.  
 9 BOB BOWES: Kidder?  
 10 JOE SANSONE: Mr. Secretary, she just ran to get  
 11 something to eat. I'll notify you when she comes back.  
 12 BOB BOWES: Logue?  
 13 JIM LOGUE: Here.  
 14 BOB BOWES: New Mexico, Baltz?  
 15 DAVID BALTZ: Here.  
 16 BOB BOWES: Poisson?  
 17 LAUREN POISSON: Yes.  
 18 BOB BOWES: Ottmer?  
 19 BRIAN OTTMER: Here.  
 20 BOB BOWES: New York, Heelan?  
 21 ED HEELAN: Here.  
 22 BOB BOWES: Gillen?  
 23 JOHN GILLEN: Here.  
 24 BOB BOWES: Pesserillo?  
 25 IRA PESSERILLO: Here.

1 BOB BOWES: North Carolina, Bar Sadeh? Dot Drew?  
 2 Herb Drew?  
 3 North Dakota, Stewart?  
 4 LITA STEWART: Here.  
 5 BOB BOWES: Sitte?  
 6 MARGARET SITTE: Here.  
 7 BOB BOWES: Keaveny?  
 8 TAWNY KEAVENY: Here.  
 9 BOB BOWES: Ohio, Reed?  
 10 FRANK REED: Here.  
 11 BOB BOWES: Mitchell?  
 12 JOHN MITCHELL: Here.  
 13 BOB BOWES: Clapsaddle?  
 14 Oklahoma, Charles?  
 15 BRUCE CHARLES: Here.  
 16 BOB BOWES: Lyman?  
 17 Bell?  
 18 ROBERT BELL: Here.  
 19 BOB BOWES: Oregon, Heil?  
 20 CLAIRE HEIL: Here.  
 21 BOB BOWES: Summerhayes? Schusseil?  
 22 Pennsylvania, Russell?  
 23 JAY RUSSELL: Here.  
 24 BOB BOWES: Lewis?  
 25 MARIA LEWIS: Here.

1 KELLY ABT: Here.  
 2 BOB BOWES: Wright?  
 3 KLIMER WRIGHT: Present.  
 4 BOB BOWES: Doogs?  
 5 JEANNIE DOOGS: Here, by God.  
 6 BOB BOWES: Utah, Smith?  
 7 DAVID SMITH: Here.  
 8 BOB BOWES: Moore?  
 9 MARY ELLEN MOORE: Here.  
 10 BOB BOWES: Whitely?  
 11 BARBARA WHITELY: Here.  
 12 BOB BOWES: Vermont, Capron? Anderson?  
 13 St. Lawrence? Virginia, Debauche? Huff? Young?  
 14 Washington, Larson? Coughlin?  
 15 CONNOR COUGHLIN: Here.  
 16 BOB BOWES: Ennis? West Virginia, Stern?  
 17 DANIEL STERN: Here.  
 18 BOB BOWES: Heineman?  
 19 JERRY HEINEMAN: Here.  
 20 BOB BOWES: Zatezalo?  
 21 MARTHA ZATEZALO: Here.  
 22 BOB BOWES: Wisconsin, Mueller, Muller? Hansen?  
 23 Dial?  
 24 MARY DIAL: Here.  
 25 BOB BOWES: Wyoming, Strickland?

1 BOB BOWES: Ravotti?  
 2 BILL RAVOTTI: Here.  
 3 BOB BOWES: Rhode Island, Richardson?  
 4 DAVE RICHARDSON: Here.  
 5 BOB BOWES: Miller?  
 6 UNIDENTIFIED SPEAKER: What state?  
 7 BOB BOWES: Rhode Island, Miller. Rhode Island,  
 8 Bedford, you took Miller's place. Is the other -- you  
 9 took Greenwood's place. So Miller is absent, right?  
 10 Bedford is here.  
 11 South Carolina, Armstrong? Batchelder?  
 12 Batchelder? Steagal?  
 13 South Dakota, Nelson?  
 14 JUDY NELSON: Here.  
 15 BOB BOWES: McDonald?  
 16 TREVOR McDONALD: Here.  
 17 BOB BOWES: Tekrony?  
 18 ARLAN TEKRONY: Here.  
 19 BOB BOWES: Tennessee, Bill Fey?  
 20 BILL FEY: Here.  
 21 BOB BOWES: Fey, Kuykendall Fey?  
 22 SHERRIE KUYKENDALL FEY: Here.  
 23 BOB BOWES: Jones?  
 24 JAMES T. JONES: Here.  
 25 BOB BOWES: Texas, Abt?

1 BILL STRICKLAND: Here.  
 2 BOB BOWES: Miller?  
 3 FRANK MILLER: Here.  
 4 BOB BOWES: That's a here?  
 5 FRANK MILLER: Here.  
 6 BOB BOWES: And Jones?  
 7 "JONES": Here.  
 8 BOB BOWES: Any states not read?  
 9 UNIDENTIFIED SPEAKER: Arkansas.  
 10 BOB BOWES: Weeks, yeah. Hang on. Weeks?  
 11 JEFF WEAKS: Here.  
 12 BOB BOWES: Matea?  
 13 STEVE MATEA: Here.  
 14 BOB BOWES: Miller?  
 15 "MILLER": Here.  
 16 BOB BOWES: Any other states not read?  
 17 BEVERLY KIDDER: New Jersey, Beverly Kidder. I'm  
 18 here.  
 19 BOB BOWES: Bev is here. Thank you.  
 20 BEVERLY KIDDER: I need a voting card, whoever's got  
 21 one.  
 22 BOB BOWES: Come up, Bev. Did you get a card?  
 23 BEVERLY KIDDER: No.  
 24 UNIDENTIFIED SPEAKER: Excuse me, Mr. Chairman.  
 25 GERALD MOAN: Yes, sir.

1 CHRISTOPHER BOLIN: My name is Christopher Bolin.  
 2 I'm a delegate from Illinois from the 8th District. We  
 3 have a problem with Illinois delegation. They are not  
 4 here, and they only have two people, and they're not  
 5 attending. And we've had problems with the Illinois  
 6 Reform Party before, and I'm afraid that they're pulling  
 7 a fast one. So is there any chance -- I am a Reform  
 8 Party member and delegate from the 8th District. Is  
 9 there any chance I can vote in their absence? They're  
 10 not here.  
 11 GERALD MOAN: No. That credentialing process will  
 12 happen tomorrow.  
 13 CHRISTOPHER BOLIN: Can I challenge tomorrow?  
 14 Because we have a problem with Illinois. They're not  
 15 attending.  
 16 GERALD MOAN: You can challenge. Go see Frank Reed,  
 17 the credentials chairman.  
 18 CHRISTOPHER BOLIN: Frank Reed?  
 19 GERALD MOAN: Yes.  
 20 Any other states that haven't been heard?  
 21 UNIDENTIFIED SPEAKER: Mr. Bowes, you had my name  
 22 wrong. It's John Fey from Tennessee. You said Bill  
 23 Fey. It's John Fey.  
 24 BOB BOWES: Thank you very much.  
 25 GERALD MOAN: I'll call a roll of the Executive

1 resolution, if I could, after the count.  
 2 GERALD MOAN: Let's see what the tally is first,  
 3 Kelly.  
 4 KELLY ABT: Sure.  
 5 GERALD MOAN: And I said we'd be out by noon.  
 6 UNIDENTIFIED SPEAKER: Which day?  
 7 GERALD MOAN: Never said a day. Bill, you got an  
 8 extra tank down there? Okay. By the way, any of the  
 9 state chairs or any candidates that are in the room that  
 10 you know of, make sure that they go out and register  
 11 with the office over at the Convention Center that  
 12 you're here, present, unlike some of our conventions in  
 13 the past, where we've had dead air. \_  
 14 We will not have dead air. So we will try to  
 15 make sure that, you know, candidates get an opportunity  
 16 to speak, even though they might not be in the original  
 17 program. So any candidates here running for any office  
 18 in the country, what I expect you to do is to register  
 19 in an office across the street. And we'll get you in as  
 20 things develop, because we may have a lot of dead air  
 21 over there.  
 22 The numbers are: Present, 115; not present,  
 23 44, out of 163 total members of the -- possible members  
 24 of the National Committee.  
 25 TED MARAVELIAS: I'd just like to be recognized for

1 Committee. Jerry is here. National secretary, Jim  
 2 Mangio?  
 3 UNIDENTIFIED SPEAKER: He resigned.  
 4 GERALD MOAN: Party treasurer, Tom McLaughlin? New  
 5 England rep June Spink? Northeast rep, Sue Harris  
 6 Debauche? Oh, Bob, we called her in the state, correct?  
 7 BOB BOWES: We did.  
 8 GERALD MOAN: Okay. She's not here twice.  
 9 BOB BOWES: Right.  
 10 GERALD MOAN: Southeast region, Ann Merkl?  
 11 Midwest region, Cedric Scofield?  
 12 CEDRIC SCOFIELD: Here.  
 13 GERALD MOAN: Pacific region, Mickey Summerhayes?  
 14 And we called her in the state, too, as well?  
 15 BOB BOWES: That's correct.  
 16 GERALD MOAN: In the southwest region, is Paul  
 17 Truachs here?  
 18 Is Kelly Abt here?  
 19 KELLY ABT: Here.  
 20 GERALD MOAN: The northwest region, is Luanne Jones  
 21 here?  
 22 Tim Halinan here?  
 23 TIM HALINAN: Here.  
 24 GERALD MOAN: Bob is counting the votes.  
 25 KELLY ABT: Mr. Chairman, I stand to move the

1 purposes of roll call.  
 2 UNIDENTIFIED SPEAKER: We can't hear you.  
 3 TED MARAVELIAS: I'd like to be recognized for  
 4 purposes of the roll call. My name is Ted Maravelias  
 5 from the State of New Hampshire.  
 6 GERALD MOAN: Okay. Fully establish and know that  
 7 two-thirds of the members of the National Committee are  
 8 in the room. There has been established a quorum to  
 9 conduct business. We will so conduct that business.  
 10 TIM MILLER: Quorum clarification, Mr. Chairman.  
 11 The quorum had been established two hours ago.  
 12 GERALD MOAN: That's correct. We are  
 13 re-establishing. You rise for the (inaudible) of the  
 14 motion.  
 15 TIM MILLER: Yes, sir. I respectfully move to  
 16 confirm the election of the southwest regional  
 17 representative.  
 18 GERALD MOAN: Ladies and gentlemen, this is now the  
 19 portion of the meeting that we all came on this day,  
 20 rearranged travel schedules, and et cetera, to meet;  
 21 therefore, I'd request your indulgence to be quiet while  
 22 we are doing the business of the party and moving us  
 23 forward.  
 24 Tim, please restate the resolution.  
 25 TIM MILLER: Mr. Chair, the resolution is to confirm

1 the election of the southwest regional representative.  
 2 Resolved, the members of the southwest region had a  
 3 teleconference meeting on 7/9 of 2000 pursuant -- in  
 4 proper timely notice. And Paul Truachs and Kelly --  
 5 elected Kelly Abt as regional representative effective  
 6 on 7/9 of 2000. I move that we confirm this election.  
 7 UNIDENTIFIED SPEAKER: Second.  
 8 UNIDENTIFIED SPEAKER: Second the motion.  
 9 UNIDENTIFIED SPEAKER: Not a motion, versus  
 10 registration. We are actually --  
 11 TIM MILLER: We're affirming.  
 12 GERALD MOAN: We have a motion and seconded.  
 13 UNIDENTIFIED SPEAKER: Second.  
 14 GERALD MOAN: Is there any discussion? Is there any  
 15 discussion?  
 16 UNIDENTIFIED SPEAKER: Call for the question.  
 17 GERALD MOAN: Call the question. The question has  
 18 been called, yes, sir.  
 19 UNIDENTIFIED SPEAKER: I would like to know more the  
 20 particulars. I mean, if I'm going to cast my vote to  
 21 throw out people who are previously regional  
 22 representatives, I would like to know what the  
 23 particulars are.  
 24 UNIDENTIFIED SPEAKER: Point of information,  
 25 Mr. Chairman. We're not recalling anybody. We are

1 and elect Kelly Abt as regional representative. There  
 2 were 16 yes's and three no's. That's -- and we are  
 3 simply --  
 4 GERALD MOAN: You had 19 members attend?  
 5 TIM MILLER: That's correct.  
 6 GERALD MOAN: 16 out of 24?  
 7 TIM MILLER: That's correct.  
 8 GERALD MOAN: You had 16 vote to recall?  
 9 TIM MILLER: That's correct. I have the meeting  
 10 minutes.  
 11 GERALD MOAN: As I remember it, you had given  
 12 Mr. Truachs -- if everybody remembers the circumstances,  
 13 there was a meeting held with 24 hours' notice. The  
 14 Executive Committee ruled that that was not reasonable  
 15 notice, as per Robert's Rules. We asked them if they  
 16 were going to reconsider their actions that they  
 17 reconvene. They did so. I think it was 12 days later.  
 18 TIM MILLER: Eight days was actually officially when  
 19 the secretary admitted -- or validated that, right.  
 20 GERALD MOAN: Wendell, does that answer some of your  
 21 questions?  
 22 WENDELL KENNY: If it was a legal meeting of the  
 23 group --  
 24 UNIDENTIFIED SPEAKER: It was.  
 25 WENDELL KENNY: -- then why is there even a

1 reaffirming the legal recalls that happened.  
 2 TIM MILLER: That's correct. This is simply to  
 3 confirm.  
 4 GERALD MOAN: Time out. Time out. Come to the  
 5 microphone so everybody can hear your question.  
 6 Tim, let him take the microphone, please.  
 7 WENDELL KENNY: Wendell Kenny from Maine. And I  
 8 would like to know --  
 9 GERALD MOAN: State your name and state, please.  
 10 WENDELL KENNY: I would like to know if what we're  
 11 asking is: Was the meeting a legitimate meeting? Is  
 12 that the basic question?  
 13 GERALD MOAN: No. The resolution is reaffirming the  
 14 actions of the regional members of the southwest  
 15 committee that met --  
 16 WENDELL KENNY: The regional committee did meet --  
 17 GERALD MOAN: -- on July 9th. Correct me, Kelly.  
 18 WENDELL KENNY: Never mind.  
 19 GERALD MOAN: No, no. I want to answer the  
 20 question. I want Tim -- since, Kelly, you're involved,  
 21 I want Tim to general -- answer in general quickly for  
 22 what happened at the meeting, how many members attended.  
 23 TIM MILLER: Certainly. The members of the  
 24 southwest regional National Committee met on the phone.  
 25 And 16 out of 24 members voted to recall Paul Truacha

1 question?  
 2 GERALD MOAN: Because the Executive Committee and  
 3 Jim Mangio ruled that it was an illegal meeting.  
 4 UNIDENTIFIED SPEAKER: So we're reaffirming --  
 5 UNIDENTIFIED SPEAKER: But your ruling was --  
 6 TIM MILLER: The superior or the governing body to  
 7 the --  
 8 GERALD MOAN: In the ruling of the chair at the  
 9 point in time we had the discussion, that the members  
 10 who called the meeting, we told them to go back and  
 11 reconsider time frames, et cetera. They went back.  
 12 They decided to have another meeting. They notified Jim  
 13 and myself to have a meeting. 19 members out of the  
 14 region decided to attend. And they held a meeting, and  
 15 they recalled Paul for whatever reason.  
 16 UNIDENTIFIED SPEAKER: Is that not a question that  
 17 there was no cause?  
 18 GERALD MOAN: The part of the question that is --  
 19 was that there was no cause. But as I remember the  
 20 original call to the meeting, there was several  
 21 meetings. They asked Paul if he would reconsider his  
 22 actions and vote the (inaudible) of the members in the  
 23 region. Paul said he will vote his conscience and not  
 24 theirs. I was on the call, both calls, first and  
 25 second. Listen --

1 TIM MILLER: The party rules do not require any  
2 cause.  
3 GERALD MOAN: I understand that. But we are open  
4 here, and we are going to explain everything. So,  
5 therefore, we have answered, I believe, Wendell's  
6 questions. I ask for a motion --  
7 UNIDENTIFIED SPEAKER: Call for the question.  
8 WENDELL KENNY: The question has been called. We'll  
9 asked for a motion.  
10 UNIDENTIFIED SPEAKER: Motion -- confirmation, by  
11 the way, rather than a resolution.  
12 GERALD MOAN: It's a confirmation, rather than a  
13 resolution.  
14 UNIDENTIFIED SPEAKER: That's the way it was stated.  
15 GERALD MOAN: Actually, you could argue about  
16 minutia. This is the subcommittee of this committee,  
17 et cetera. But I am going to ask you to vote  
18 differently this time. Raise your cards up and stand  
19 up. You're getting lazy on me, gang. Stand up. Raise  
20 up.  
21 UNIDENTIFIED SPEAKER: Point of order, Mr. Chairman.  
22 What is the vote? Restate the vote for this.  
23 Affirmative is?  
24 GERALD MOAN: A vote with a hand up, standing up, is  
25 a confirmation of the election of Kelly Abt as

1 UNIDENTIFIED SPEAKER: Second.  
2 GERALD MOAN: We hear a second?  
3 UNIDENTIFIED SPEAKER: Second.  
4 UNIDENTIFIED SPEAKER: Second.  
5 GERALD MOAN: Second? Second by somebody?  
6 UNIDENTIFIED SPEAKER: Second.  
7 GERALD MOAN: Okay. Any comment on the questions?  
8 UNIDENTIFIED SPEAKER: Move the previous question.  
9 UNIDENTIFIED SPEAKER: I second the question.  
10 GERALD MOAN: Move it. Any comment? Any dissent?  
11 UNIDENTIFIED SPEAKER: Vote.  
12 GERALD MOAN: Any reason Tim Halinan --  
13 UNIDENTIFIED SPEAKER: Not being a member, may I  
14 give a comment?  
15 GERALD MOAN: No. Members only. Just wait about  
16 three seconds. I think you'll be a member.  
17 UNIDENTIFIED SPEAKER: Call the question.  
18 UNIDENTIFIED SPEAKER: Can we vote, sir? Can we  
19 move on?  
20 GERALD MOAN: For the point of clarification,  
21 Wendell, do you have any questions of Tim?  
22 WENDELL KENNY: No.  
23 UNIDENTIFIED SPEAKER: Call the question.  
24 GERALD MOAN: The question has been called. We're  
25 moving right along. Stand up quickly, raise your card,

1 prescribed by the RPUSA Constitution as a regional  
2 representative of the southwest region.  
3 All those opposed, except Mr. Abt, stand.  
4 There's at least two.  
5 Any abstentions?  
6 KELLY ABT: Abstain, Mr. Chairman.  
7 GERALD MOAN: Mr. Abt, you have a --  
8 KELLY ABT: Thank you, Mr. Chairman. I'd like to  
9 move the --  
10 GERALD MOAN: One second, Kelly.  
11 UNIDENTIFIED SPEAKER: Yes, sir.  
12 GERALD MOAN: Obviously, the standing voting members  
13 of this committee have overwhelmingly decided that the  
14 motion passes.  
15 KELLY ABT: Thank you.  
16 GERALD MOAN: So congratulations again and welcome  
17 to the Executive Committee.  
18 KELLY ABT: Thank you, sir. Mr. Chairman, I move  
19 the confirmation of the election of the northwest  
20 regional representative. Resolved, the members of the  
21 northwest region had a teleconference meeting 7/19, year  
22 2000, pursuant and proper, in timely notice and recalled  
23 Luanne Jones and elected Tim Halinan, regional  
24 representative, to represent the northwest region  
25 effective 7/19.

1 reaffirm. It is the opinion of the chair that Mr. Tim  
2 Halinan joins us on the Executive Committee as northwest  
3 regional representative.  
4 Do we have any opposition? I'm sorry.  
5 UNIDENTIFIED SPEAKER: Excuse me. Extremely  
6 (inaudible) for a while. It's wonderful to finally have  
7 a regional representative.  
8 GERALD MOAN: Is there any opposition to that  
9 motion?  
10 (None.)  
11 GERALD MOAN: Any abstentions? Bev?  
12 BEVERLY KIDDER: I would like to have had more  
13 discussion on what happened there.  
14 GERALD MOAN: I understand. I think Tim can give  
15 you a copy of the minutes. Okay?  
16 Mr. Abt, you have something?  
17 KELLY ABT: Yes, Mr. Chairman. I move that the  
18 resolution -- the following resolution regarding the  
19 7/29 Executive Committee meeting held in Dallas, Texas,  
20 whereas, Executive Committee members called for a  
21 meeting in Dallas, Texas, on 7/29, whereas a quorum of  
22 the Executive Committee is a majority of the members.  
23 Resolved, that no quorum existed; therefore, all  
24 actions, including, but not limited to, the resolution  
25 disqualifying Patrick J. Buchanan from the Reform Party

1 USA primary are null and void, ab initio.  
 2 UNIDENTIFIED SPEAKER: Second.  
 3 UNIDENTIFIED SPEAKER: Second.  
 4 UNIDENTIFIED SPEAKER: Second.  
 5 GERALD MOAN: On the question, is there any comment?  
 6 Mr. Abt, would you restate for the chair to make sure  
 7 that -- I want to hear what that whole thing says again,  
 8 because I -- what we want to do is establish anything  
 9 since 7/29, without the proper quorum of Mr. Halinan and  
 10 Mr. Abt, is null and void.  
 11 UNIDENTIFIED SPEAKER: We've already done that.  
 12 GERALD MOAN: No. You stated on 7/29. We didn't  
 13 talk about subsequent Executive Committee meetings.  
 14 Okay. Let's handle this motion. If we decide that we  
 15 need another motion, I'm sure it can be entertained from  
 16 the floor. We've moved the question.  
 17 On the question, just raise your cards, 'cause  
 18 I know we're getting tired. Raising your card means you  
 19 vote for the amendment or for the resolution -- the  
 20 motion. I'll use all the words so everybody can say  
 21 what's going on. We're not going to hold them up for  
 22 ten minutes, though.  
 23 Any opposition, please? Any opposition? None  
 24 noted in the room.  
 25 Any abstentions?

1 UNIDENTIFIED SPEAKER: No. For the record, ab  
 2 initio, could you explain it so it's on the record?  
 3 KELLY ABT: Ab initio, Mr. Chairman.  
 4 GERALD MOAN: Clue me in.  
 5 UNIDENTIFIED SPEAKER: Mr. Chairman, not that I have  
 6 this knowledge deep in my soul, but it means from the  
 7 beginning.  
 8 GERALD MOAN: Is that in here?  
 9 UNIDENTIFIED SPEAKER: It's Latin.  
 10 MR. COOTER: Ab initio means that it was void at the  
 11 time it was done and continues to be void. It's void  
 12 all the way back to whenever it happened.  
 13 UNIDENTIFIED SPEAKER: Amen.  
 14 GERALD MOAN: Thank you, I think. In absence, yeah.  
 15 In ab initio, all that other stuff.  
 16 Wendell, do you have something?  
 17 WENDELL KENNY: I'd like to have a -- regardless of  
 18 whether that meeting was legal or not, I don't know if  
 19 it was or not, 'cause two sides of the story. But I  
 20 would like to know what the background was and why that  
 21 even came up. I would like to know if -- because we are  
 22 charged with holding the highest moral ground and being  
 23 honest and upright. And if that was, in fact, a  
 24 stuffing of the box, then I would be opposed to  
 25 Mr. Buchanan as a candidate. If it were not, so, then,

1 I would not be.  
 2 GERALD MOAN: Are you talking about the --  
 3 WENDELL KENNY: I would like to know whether that  
 4 meeting -- what brought that meeting up. I mean, just  
 5 to say it's null and void is not satisfactory to me to  
 6 put it to bed.  
 7 GERALD MOAN: I will give the chairman's explanation  
 8 of the facts, as I understand it. On the date in  
 9 question, the members of the regions, in a  
 10 democratically called meeting, according to the rules of  
 11 the party, recalled the two regional representatives.  
 12 The Executive Committee is a committee of ten. Since I  
 13 am acting chair, the "vice chair," quote/unquote,  
 14 whichever way you want to spin it, is vacant. So that  
 15 is a ten-member committee.  
 16 By those two regions, electing their  
 17 representative in a democratic fashion, have said, "We  
 18 want other representation." So, therefore, the members  
 19 of the region said that Kelly Abt and Tim Halinan are  
 20 members of the Executive Committee without quorum.  
 21 Quorum needs six members of the Executive Committee to  
 22 move forward. My recommendation to the body of a whole,  
 23 the entire Reform Party, was that those meetings were  
 24 legitimate. And this meeting has just confirmed that.  
 25 The second thing is, all along, it has been.

1 the -- in the view of the Executive Committee that the  
 2 Presidential Nominations Committee -- and, quite  
 3 frankly, pushed very hard by Jim Mangio -- that Mick  
 4 Ferris and the members of that committee will guide us  
 5 through the nominations process.  
 6 On the evening of September -- I forget the  
 7 date, but it was a Friday evening -- the Presidential  
 8 Nominations Committee met. And over the objection of  
 9 Mick Ferris, who Jim has always backed as being a sole  
 10 arbiter of this process, the member of the committee,  
 11 Harry Kruski, introduced the disqualification  
 12 resolution. And it's always been the purview that the  
 13 PNC, the Presidential Nominations Committee, makes the  
 14 sole determination on the qualification or whether an  
 15 appeal should be brought to the Executive Committee.  
 16 Overwhelmingly -- however overwhelmingly five  
 17 people can be -- the motion was defeated four to one.  
 18 Mick Ferris and Dave Goldman voted against the  
 19 amendment. There was some question of whether Tom and  
 20 I, for political purposes, attended the meeting, the  
 21 meeting and the rules that everybody has been saying.  
 22 And we went against a number of other people in  
 23 the party for trying to change that process, says the  
 24 national officers are ex-officio members of that  
 25 committee, as long as you have not endorsed a candidate.

1 One of the members of national officer society that we  
2 have, Jim Mangio, came out and publicly endorsed John  
3 Hagelin. That voided his right to participate in the  
4 committee.

5 By action, people are implying that I have  
6 endorsed a candidate. I would ask everyone in this room  
7 and every person in the media to ever say who my choice  
8 was. I support the Reform Party and its nominee.  
9 Because I don't -- so, therefore, Mr. Mangio should have  
10 propped up his friends, if you want to say it -- Mick  
11 Ferris, who said, "There is no language in our  
12 resolution or in our encompassing document that says  
13 that this qualification is an option; therefore, I  
14 recommend everybody to vote against the resolution."  
15 Mr. Kruski wouldn't hear it, so we voted. Because  
16 disqualification, in the eyes of the chairman of that  
17 committee, was not an option.

18 Now, the second thing the people like to  
19 conjecture about, they set up a subcommittee to do an  
20 audit. And they said, "Oh, Buchanan is not going to  
21 take part in the audit. This one's not going to take  
22 part in the audit."

23 I said, "You know what? That's all crap. Give  
24 me an audit procedure. Tell me that Price Waterhouse is  
25 going to pick 20,000 names and validate the list

1 You've been up here all day.

2 UNIDENTIFIED SPEAKER: Absolutely.

3 GERALD MOAN: Because the thing is that, No. 1, my  
4 objection, my reason for voting against  
5 disqualification, was: Give the person a process. If  
6 he doesn't want to be part of that process -- but give  
7 him something to come home with and say, you know, "This  
8 is the way we're going to do it." But, no, that wasn't  
9 good enough.

10 It was just, "Oh, no. They said they're not  
11 going to do it."

12 And I said, "Give them a process to do it  
13 with." And that is the reason Tom and I voted against  
14 it; because even though they set up the audit procedure,  
15 they said, "Oh, no. We're not going to do it that way."  
16 Every time we offered an alternative or a negotiation,  
17 another mediation, (inaudible) was just adamant about --  
18 he was gone.

19 KLIMER WRIGHT: Excuse me, Mr. Chairman. This  
20 entire discussion is out of order. The time for  
21 discussion is when a motion is on the floor. This  
22 motion has already been voted on and passed  
23 overwhelmingly almost unanimously. It's time to move on  
24 to other business.

25 GERALD MOAN: I have taken the admonition of

1 submission."

2 You know what? They said no, they're not going  
3 to do that. A candidate in the primary said, "I want to  
4 mail to the whole 880,000 people that got a ballot."  
5 Well, I negotiated for that person to mail ballots to  
6 every person on the list. So it's been one suicide  
7 attempt after the next to override the will of the  
8 membership of this party. And that will never be  
9 tolerated by me, period.

10 WENDELL KENNY: Mr. Chairman, Mr. Chairman,  
11 Mr. Chairman, Mr. Chairman.

12 GERALD MOAN: Yes. I thought I said I recognize  
13 you.

14 WENDELL KENNY: I commend you for your statements on  
15 supporting the Reform Party. I, too, am in support of  
16 the Reform Party. The only reason I'm in here today is  
17 because I believe in reform. I would still like to know  
18 if you think or if the Presidential Nominating Committee  
19 thinks that there was any illegal activity, as far as  
20 stuffing ballot boxes, if you know what I mean.

21 GERALD MOAN: Do you believe that?

22 UNIDENTIFIED SPEAKER: Does the presidential nominee  
23 committee believe that? I'm talking --

24 GERALD MOAN: Wait a minute.

25 UNIDENTIFIED SPEAKER: Let me have five seconds.

1 Mr. Wright, with all due respect. However, my style is  
2 to be more explanatory, more lenient. However, I'm  
3 learning that I will have to change my ways.

4 Is there another motion to hit the floor?

5 KELLY ABT: Mr. Chairman, Kelly Abt, Houston, Texas.  
6 I move the following resolution concerning the  
7 appointment of special and subcommittee chairs, whereas,  
8 the Reform Party USA Constitution, Article 7, Special  
9 Committees and Subcommittees, Section 1A, states, quote,  
10 "The chair of any special committee shall be appointed  
11 by the national party chair. Whereas, Gerald Moan  
12 appointed Frank Reed, Credentials Committee chair  
13 resolved that Frank Reed is the Credentials Committee  
14 chair, and has been the Credentials Committee chair  
15 since his appointment by Gerald Moan, the national  
16 chair.

17 UNIDENTIFIED SPEAKER: Second.

18 UNIDENTIFIED SPEAKER: Second.

19 UNIDENTIFIED SPEAKER: Second.

20 GERALD MOAN: On the question, any discussion?

21 WENDELL KENNY: Chairman?

22 GERALD MOAN: Yes, sir, Wendell.

23 WENDELL KENNY: I don't know --

24 GERALD MOAN: No, no. That's okay.

25 WENDELL KENNY: I'd like to rise in favor of the

1 motion, but -- because I do believe you do have the  
 2 right to appoint committee chairs.  
 3 GERALD MOAN: Thank you, Wendell. Okay. Yes, Bev?  
 4 BEVERLY KIDDER: Just a question. According to our  
 5 Constitution, does anybody have to approve your  
 6 committee chair's appointments?  
 7 GERALD MOAN: The verbiage in the Constitution is  
 8 the national chairman shall appoint. Doesn't say with  
 9 the approval of anyone.  
 10 BEVERLY KIDDER: That's what I wanted,  
 11 clarification. Thank you.  
 12 GERALD MOAN: Okay. On the motion -- yes, on the  
 13 question?  
 14 UNIDENTIFIED SPEAKER: I move the question.  
 15 UNIDENTIFIED SPEAKER: I second.  
 16 GERALD MOAN: Second is moved. All those in favor,  
 17 meekly hang up. So the confirmation of Mr. Reed --  
 18 after I ask: Is there anybody in opposition? I just  
 19 want to see how fast you can put them down. Other than  
 20 Frank Reed, is there any opposition? Any abstentions?  
 21 (None.)  
 22 GERALD MOAN: Frank, I had a cakewalk today. The  
 23 motion overwhelmingly passes.  
 24 Anything else?  
 25 KELLY ABT: Yes, Mr. Chairman.

1 GERALD MOAN: Could you guys make sure Mr. Bowes has  
 2 a copy of --  
 3 BOB BOWES: The motion and the --  
 4 GERALD MOAN: -- all four motions that have passed  
 5 so far?  
 6 Yes, Kelly?  
 7 KELLY ABT: Mr. Chairman, this is a point of inquiry  
 8 and might be followed by a subsequent motion. But it's  
 9 my understanding that the Executive Committee meeting  
 10 might -- what you might call bogus Executive Committee  
 11 meeting might be under way as we speak; in other words,  
 12 being held in some other building, some other place.  
 13 And I'm -- I don't know that the one resolution that was  
 14 passed earlier was null and void from the beginning.  
 15 I'm assuming that that resolution would be sufficient  
 16 for any future actions of this supposed group of  
 17 individuals.  
 18 GERALD MOAN: Mr. Wright, could you take the  
 19 microphone?  
 20 KLIMER WRIGHT: I would just like to move that -- to  
 21 clarify this motion that Kelly made that we passed, that  
 22 we declare null and void any action that the Executive  
 23 Committee has taken since July the 29th and on forward  
 24 any time in the future --  
 25 UNIDENTIFIED SPEAKER: Second.

1 KLIMER WRIGHT: -- from now on and in the future.  
 2 GERALD MOAN: Time out. Time out. Time out. Time  
 3 out. For the purposes of the motion, is it July 26th  
 4 until August --  
 5 UNIDENTIFIED SPEAKER: July 29th.  
 6 GERALD MOAN: -- 14th?  
 7 UNIDENTIFIED SPEAKER: Yes.  
 8 KLIMER WRIGHT: Is that correct? That's my motion,  
 9 anything from then -- from my previous motion carrying  
 10 on through to now and in the future.  
 11 GERALD MOAN: Well, no, no. I want to make sure --  
 12 time out. Time out. I want to make sure that the  
 13 Executive Committee comes back into session legitimately  
 14 after all actions of the National Committee or National  
 15 Convention have done any rearranging.  
 16 UNIDENTIFIED SPEAKER: Mr. Chairman, could that  
 17 motion be approved if you specify the specific names of  
 18 the people who were on the illegitimate committee?  
 19 GERALD MOAN: I would rather cover the time span --  
 20 UNIDENTIFIED SPEAKER: Yes.  
 21 GERALD MOAN: -- time span from July 26th to  
 22 August 13th.  
 23 KLIMER WRIGHT: Okay. Fine. July 26 to  
 24 August 13th.  
 25 UNIDENTIFIED SPEAKER: Second.

1 GERALD MOAN: The reason I ask for that  
 2 specification, because the National Committee is meeting  
 3 today, which is a higher governing body than the  
 4 National Executive Committee, and can trump anything  
 5 that they do. Starting Thursday, the National -- I  
 6 forgot what we came for -- and National Convention being  
 7 a higher governing body than that body and the  
 8 Executive Committee will be in session and, therefore,  
 9 rules the day.  
 10 KLIMER WRIGHT: Perfect. That's my motion.  
 11 UNIDENTIFIED SPEAKER: Second.  
 12 UNIDENTIFIED SPEAKER: Second.  
 13 GERALD MOAN: Point of inquiry from Bob Bowes.  
 14 BOB BOWES: The dates you are talking about, there  
 15 were some recalls that were made effective, some  
 16 July 9th. So -- and then there were meetings of the  
 17 Executive Committee that occurred since then. So you  
 18 might be talking about a broader window here.  
 19 UNIDENTIFIED SPEAKER: I'd frame it July 9th.  
 20 GERALD MOAN: Is that a friendly amendment?  
 21 BOB BOWES: Friendly amendment to July 3rd,  
 22 inclusive on August 13th.  
 23 GERALD MOAN: Does anybody wish to amend the  
 24 friendly, unfriendly, rather friendly amendment?  
 25 UNIDENTIFIED SPEAKER: Yeah, I'll amend it.

1 GERALD MOAN: Okay. Is there -- it's amended.  
 2 That's a friendly amendment.  
 3 Is there a second to the time frame dates?  
 4 UNIDENTIFIED SPEAKER: Second.  
 5 GERALD MOAN: Second, third, fourth.  
 6 UNIDENTIFIED SPEAKER: 29th was the day they met,  
 7 right?  
 8 GERALD MOAN: Time out. State the dates again. Bob.  
 9 BOB BOWES: There were several Executive Committee  
 10 meetings that occurred after one or more of the members  
 11 were -- Executive Committee members were recalled. The  
 12 first meeting, I believe, was held on July --  
 13 UNIDENTIFIED SPEAKER: -- 1st.  
 14 BOB BOWES: I'm sorry. The first recall occurred on  
 15 July 9th. So I would say July 9th should be the start  
 16 all the way through today.  
 17 GERALD MOAN: To the 13th.  
 18 TIM MILLER: Through Sunday, 1:00 p.m.  
 19 GERALD MOAN: Right. Well, I'll get there. Okay.  
 20 Does everybody understand what we're going to vote on?  
 21 UNIDENTIFIED SPEAKER: State it.  
 22 UNIDENTIFIED SPEAKER: Restate the vote.  
 23 GERALD MOAN: The resolution is: The motion is  
 24 clearly stated that any action from the dates of  
 25 July 9th through August 13th of the Executive Committee

1 are null and void. And we have a second. We had a --  
 2 we're moving it. All those in favor, say "Aye."  
 3 (Majority said "Aye.")  
 4 GERALD MOAN: All those opposed, please stand up.  
 5 Only way I can get Jerry to sit down.  
 6 (One.)  
 7 GERALD MOAN: Any abstentions, please? Anybody  
 8 abstaining?  
 9 (One.)  
 10 GERALD MOAN: I think it's -- we are -- we know  
 11 which way we want to go, Mr. Abt--  
 12 KELLY ABT: Mr. Chairman --  
 13 GERALD MOAN: I declare that the motion is passed  
 14 overwhelmingly.  
 15 KELLY ABT: Mr. Chairman, I move that the meeting of  
 16 the National Committee be recessed until tomorrow,  
 17 Wednesday, 1:00 p.m.  
 18 GERALD MOAN: Time out. Jerry?  
 19 JERRY HEINEMAN: Yes, Mr. Chairman. I have a point  
 20 of order and question to ask. Jerry Heineman,  
 21 vice-president of the West Virginia Reform Party. I had  
 22 sent a resolution around to all members of the National  
 23 Committee, to all state chairmen, in regards to the fact  
 24 that if we're going to consider the Natural Law Party at  
 25 all, that under West Virginia law, we have a legal

1 problem, in that we cannot consider another candidate  
 2 from a competing political party that belongs to a  
 3 different corporate entity than the party that we belong  
 4 to.  
 5 I believe from what I've seen on the Internet,  
 6 there's something like 43 other states that have that  
 7 same situation. So I don't know whether this is the  
 8 point to raise it now or at the convention.  
 9 GERALD MOAN: This is a matter of the National  
 10 Convention.  
 11 JERRY HEINEMAN: Okay. That's what my question was.  
 12 GERALD MOAN: Any other business to come before this  
 13 meeting?  
 14 UNIDENTIFIED SPEAKER: You said motion on the floor?  
 15 GERALD MOAN: Time out.  
 16 UNIDENTIFIED SPEAKER: Second.  
 17 KLIMER WRIGHT: Motion on the floor.  
 18 KELLY ABT: Mr. Chairman, Mr. Chairman, I'll be  
 19 happy to withdraw my motion for the purposes of these  
 20 gentlemen.  
 21 GERALD MOAN: Mr. Bowes brings up a good point of  
 22 order. We were called here to review the preparations  
 23 of the National Convention. I could only assume you  
 24 want to hear something.  
 25 UNIDENTIFIED SPEAKER: Yes.

1 UNIDENTIFIED SPEAKER: Yeah.  
 2 GERALD MOAN: All right. Basically, I've spent all  
 3 the money, and the kids are in Bermuda. No. Basically,  
 4 what's happened is from an overall perspective, I  
 5 haven't done a whole heck of a lot. The one person in  
 6 this party, whether we agree with her philosophy or  
 7 politics, Judy Duffy has done it all at no pay,  
 8 tremendous amount of volunteer hours on her own.  
 9 She spent countless hours doing -- arranging  
 10 the buses, the this, that, and the other thing. She's  
 11 done yeoman's work. We have an office across the street  
 12 at the Convention Center. I think you folks -- although  
 13 you've seen these \$65 million conventions that they  
 14 have, but you'll see a good volunteer effort. We're  
 15 going to run a darn good convention. We're going to get  
 16 over our pains, and we're going to move forward.  
 17 We're going to have some of our candidates  
 18 speak. I know John is one of the candidates that will  
 19 speak. We have a candidate from North Carolina who's  
 20 changed from Republican to Democratic Party and is a  
 21 sitting member of the state senate there. We've got  
 22 Datewood Galreiss, who's going to speak. He's a member  
 23 from Kentucky who got -- who ran for governor last time  
 24 and got 30 percent in that district.  
 25 I believe if we're going to have to capture a

1 congressional race, that's the district we're going to  
2 do it in. So aside from that, we have bells and  
3 whistles. We have trinkets and trash. We have all this  
4 other good stuff. But what we really have is an  
5 Arizonan viewpoint. When you walk outside, it ain't 115  
6 degrees; or Alaska. I mean, one extreme to the other,  
7 guys.

8 But the thing -- what we'll have to do is we'll  
9 have to discuss -- now, there is a bunch of rules,  
10 things to come up. And I think, Wendell, you're  
11 accepted, right, to do the rules -- portion of the rules  
12 committee meeting?

13 WENDELL KENNY: (Inaudible.)

14 GERALD MOAN: Okay. Now, because Frank Reed is the  
15 appointed credentials chair, he's also the rules  
16 chairman. So he's asked -- and Wendell Kenny, who's  
17 attempting to clarify everything. Just so you'll know  
18 who Wendell is, he is going to chair the rules committee  
19 meeting tomorrow and then probably at the convention,  
20 depending on time frames.

21 You'll also -- depending on some of the  
22 rules -- Constitution changes that you're going to  
23 see -- and I know nobody wants to vote for all four  
24 national officers. But if we decide to change to  
25 every-two-year conventions, I believe the consensus of

1 National Committee member taking my place in the  
2 National Committee.

3 GERALD MOAN: Is Mr. Buffington in the room?

4 KELLY ABT: He is before you -- before you here.

5 GERALD MOAN: Okay. There's been a motion and  
6 seconded to accept for membership, due to the  
7 reaffirmation of Kelly Abt, Blake Buffington as National  
8 Committee member for the State of Texas, so certified by  
9 the state chair. Do I hear a second?

10 UNIDENTIFIED SPEAKER: Second.

11 UNIDENTIFIED SPEAKER: Second.

12 GERALD MOAN: All those in favor say "Aye."  
13 (Majority said "Aye.")

14 GERALD MOAN: All those opposed?  
15 (One.)

16 GERALD MOAN: All those abstaining? There's one  
17 opposition. It is the decision of the chair  
18 overwhelmingly the motion is passed. We really need to  
19 get moving, so what do you have? Next piece of  
20 housekeeping?

21 TIM HALINAN: This is Tim Halinan from Wyoming. I  
22 have a resolution. I don't think our work is done until  
23 the following thing is put on the record. Whereas,  
24 acting chairman Moan, treasurer Tom McLaughlin, and  
25 regional representative Cedric Scofield have loyally

1 the rules committee is that the four officers, at least,  
2 are up for election. So that means chairman, vice  
3 chairman, secretary, and treasurer will all be up for  
4 election or, in some cases, re-election. I know one  
5 case it ain't gonna happen.

6 Now, there's also been some conjecture about  
7 regional meetings. You are the members. You decide  
8 what you want to do, when you want to do it, and how you  
9 want to do it. We're all here to grow the party,  
10 participate in democracy, and tell our friends and  
11 neighbors in the Democratic/Republican Party they  
12 haven't got a lock on democracy. They haven't got a  
13 lock on (inaudible). They haven't got a lock on one  
14 stinking vote. If someone says to you, "Well, he's  
15 stealing votes from them. He's stealing votes from  
16 them," they haven't earned diddly.

17 KELLY ABT: Mr. Chairman.

18 GERALD MOAN: Yes, sir.

19 KELLY ABT: Just a bit of housekeeping, if I could.  
20 I have tendered with -- my affirmation as being on the  
21 Executive Committee, have tendered my resignation as  
22 National Committee man representing the State of Texas.  
23 And, consequently, there was a meeting held in Texas on  
24 August the 3rd, a meeting of the state Executive  
25 Committee, whereby they elected Blake Buffington as the

1 worked to further the mission and continued existence of  
2 the Reform Party; and for their adherence to its  
3 Constitution, be it resolved that the National Committee  
4 officially declares Gerry Moan, Tom McLaughlin, and  
5 Cedric Scofield to be true reformers who made a  
6 difference and present them with an appropriate plaque  
7 and recognition. I move that motion.

8 UNIDENTIFIED SPEAKER: Here, here.

9 GERALD MOAN: All right. Do I have a second?

10 TIM MILLER: I'll second.

11 GERALD MOAN: Thank you, Tim.

12 UNIDENTIFIED SPEAKER: Second.

13 GERALD MOAN: All those in favor? No, no, no, no.  
14 All those in favor, stand up and yell "Democracy."

15 (Majority said "Democracy.")

16 GERALD MOAN: All those opposed?

17 UNIDENTIFIED SPEAKER: How about Constitutional  
18 Republic?

19 GERALD MOAN: Any abstentions?

20 (One.)

21 GERALD MOAN: In the opinion of the chair, the  
22 motion is overwhelmingly passed.

23 Is that --

24 BEVERLY KIDDER: Bev, yes. I am from --

25 GERALD MOAN: I believe --

1 BEVERLY KIDDER: You think that's been taken care  
2 of?  
3 GERALD MOAN: No, I think it's convention business.  
4 BEVERLY KIDDER: Okay.  
5 GERALD MOAN: Convention delegates.  
6 BEVERLY KIDDER: And when should I bring this up?  
7 GERALD MOAN: First chance.  
8 BEVERLY KIDDER: Okay. That's right now, then,  
9 right?  
10 GERALD MOAN: No. At the National Convention.  
11 BEVERLY KIDDER: At the National Convention. Okay.  
12 GERALD MOAN: National Convention business.  
13 BEVERLY KIDDER: Okay.  
14 GERALD MOAN: John?  
15 JOHN MITCHELL: My name is John Mitchell, running  
16 for Congress in Ohio, 7th District. And I want to take  
17 slight issue with Gerry. Maybe I interpreted this  
18 wrong, but I think you said Mr. Galbreth had maybe  
19 perhaps the best chance to win.  
20 GERALD MOAN: I knew you were going to call me on  
21 that one. Go ahead, John.  
22 JOHN MITCHELL: I ran for governor in 1998, Ohio,  
23 got over 110,000 votes. As a percentage of net worth, I  
24 have spent higher percentage than Ross Perot. I'm going  
25 to win. I'm going to win this thing, and I haven't

1 UNIDENTIFIED SPEAKER: Second.  
2 UNIDENTIFIED SPEAKER: Second.  
3 UNIDENTIFIED SPEAKER: Second.  
4 GERALD MOAN: Dottie Watson?  
5 BOB BOWES: Dottie Watson?  
6 GERALD MOAN: Any comment, sir? Yes, sir. Wait a  
7 minute. Wendell, he is at the -- at the mike first. Go  
8 ahead, sir.  
9 BRIAN OTTMER: I'm Brian Ottmer from New Mexico. I  
10 would like to salute Gerry Moan.  
11 GERALD MOAN: No, no, Brian. We have a motion on  
12 the floor.  
13 BRIAN OTTMER: Okay.  
14 GERALD MOAN: Don't worry. I'll take the kudos  
15 later.  
16 Yes, Wendell?  
17 WENDELL KENNY: I was under the impression,  
18 Mr. Chairman, we had a National Committee meeting  
19 scheduled for Sunday.  
20 GERALD MOAN: That's what we did. That's to return  
21 to the normal published, you know, convention call that  
22 went out.  
23 WENDELL KENNY: Fine.  
24 GERALD MOAN: Recess at that time or until the  
25 national chair of the 50 members call.

1 stopped campaigning since the gubernatorial race. So I  
2 just want to make that clarification.  
3 GERALD MOAN: John, what we need to do is to make  
4 sure we support them.  
5 Kelly?  
6 KELLY ABT: Mr. Chairman, I move that this meeting  
7 of the National Committee be recessed and be --  
8 GERALD MOAN: To be --  
9 KELLY ABT: -- until such time that 50 members --  
10 GERALD MOAN: We will be reconvened at the normal  
11 time on the agenda for Sunday.  
12 KELLY ABT: That's correct; or unless 50 requests  
13 that it be reconvened.  
14 UNIDENTIFIED SPEAKER: I second the motion.  
15 UNIDENTIFIED SPEAKER: I second the motion.  
16 UNIDENTIFIED SPEAKER: Earlier than Sunday.  
17 UNIDENTIFIED SPEAKER: Earlier than Sunday.  
18 GERALD MOAN: The committee -- the National  
19 Committee, the resolution on the floor to recess the  
20 meeting until a point in time on the sent-out agenda,  
21 this then reserves the rights of the National Committee  
22 to call the National Committee meeting at any time, or  
23 50 members.  
24 KELLY ABT: Or 50 members.  
25 GERALD MOAN: Right. Is there a second?

1 UNIDENTIFIED SPEAKER: Right.  
2 GERALD MOAN: Yes, sir.  
3 BRIAN STRANSKY: Brian Stransky from California. So  
4 just for simply clarification, so if we recess now, we  
5 won't meet until Sunday?  
6 UNIDENTIFIED SPEAKER: Not necessarily.  
7 GERALD MOAN: No, no. Remember, according to the  
8 Constitution, 25 percent of the members of the National  
9 Committee can call a meeting as they so request, or it  
10 can be called as the national chair has the authority to  
11 call that, as well.  
12 UNIDENTIFIED SPEAKER: But that's still going to  
13 take 87 people to constitute a quorum to pass anything,  
14 right?  
15 GERALD MOAN: No. 82 members. This body is in  
16 recess. All these members that have been duly recorded  
17 as the official attending members of the National  
18 Committee, if 25 percent of their friends want to call a  
19 meeting and stop them from doing other things, that's  
20 their purview.  
21 UNIDENTIFIED SPEAKER: Thank you.  
22 GERALD MOAN: Let me clarify it again. If 25  
23 percent of the members in this room, which is the  
24 National Committee, as established by what's gone on  
25 today, decide to have a meeting before resuming this

1 session on Sunday, it's their -- it's up to them. Okay?  
2 Is everybody clear on this?  
3 Yes, sir?  
4 UNIDENTIFIED SPEAKER: What you're saying is that  
5 it's either up to the chair or 25 percent. So we  
6 obviate the 50?  
7 GERALD MOAN: To reconvene --  
8 UNIDENTIFIED SPEAKER: To reconvene.  
9 GERALD MOAN: -- this session --  
10 UNIDENTIFIED SPEAKER: Right.  
11 GERALD MOAN: -- with these members.  
12 UNIDENTIFIED SPEAKER: If not, we meet at the  
13 regular scheduled time on Sunday?  
14 GERALD MOAN: That's correct. Or we could all walk  
15 in the hall, say, "I've had enough," and go.  
16 UNIDENTIFIED SPEAKER: What number is 25 percent?  
17 GERALD MOAN: 25 percent, I believe -- Bob?  
18 BOB BOWES: 41.  
19 GERALD MOAN: 41 members of the National Committee.  
20 Yes, sir?  
21 UNIDENTIFIED SPEAKER: Yes, sir. That's what I  
22 wanted to talk about originally. I'd like to make a  
23 friendly amendment that it not be 50, and it would be 25  
24 percent, which would be 41.  
25 GERALD MOAN: No, no. 25 percent it takes to call a

1 meeting. 50 percent plus one is quorum. It's still the  
2 old Constitution way. 25 percent national chair. We  
3 are reconvening this session with these members.  
4 Question's been called. Question's been called. We  
5 take a vote on the motion.  
6 UNIDENTIFIED SPEAKER: All in favor?  
7 JERRY HEINEMAN: Could everybody write their name  
8 and hotel on there and then turn it into the --  
9 GERALD MOAN: If you guys that want to do  
10 organizational stuff want to do it, we'll do it after  
11 the meeting, outside somewhere. I'll just motion to  
12 recess this meeting until the time of Sunday. Brian, I  
13 missed you. But we're going to recess this meeting.  
14 But if you want to throw a general comment in there, I'd  
15 be glad to take kudos.  
16 All those in favor of the motion to recess  
17 signify by raising your cards and saying "Aye."  
18 (Majority said "Aye.")  
19 GERALD MOAN: All those who want to stay here say  
20 "No." Any abstentions?  
21 BRIAN OTTMER: I would like to salute Gerry Moan for  
22 navigating the Reform Party through rough water today.  
23 (Ending time: 4:18 p.m.)  
24  
25

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**Reform Party of the USA National Committee**

*National Committee Credentialing/Registration*

*Pursuant to*

1) *The Reform Party Constitution Article V, Section 7: "The duties of the Executive Committee shall include: (a) maintaining and providing Delegate lists and National Committee member lists;"*  
 2) *And the following resolution passed by the Executive Committee on January 18, 2000 and upheld by the National Committee on February 12, 2000: "RESOLVED, that pursuant to and in accordance with the provisions of the Constitution, including but not limited to Art. V, Sections 1, 7 and 8, and Art. VIII, Sections 2.a) and c) and 9, and Article IV, Section 4, Mr. Jim Mangia, the National Secretary, is hereby directed to be the only person entitled to certify as to the validity under the Constitution of the membership of a National Committee member.*

*All National Committee names listed below are subject to verification and credentialing by the National Secretary prior to the National Committee meeting called for Long Beach on August 8, 2000. All challenges will be heard by Secretary Mangia and an advisory committee consisting of representatives from all factions and campaigns. Recommendations will be made to the full National Committee.*

<u>Position</u>	<u>National Officers</u>	<u>Email Address</u>
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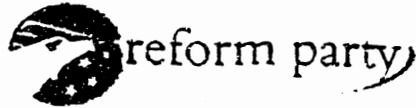
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TX	Clymer Wright	

All additions or changes to the the State Chair list should be sent to the Vice Chair. He is responsible for the official list held by the Executive Committee as indicated in the RPUSA Constitution Article IV Section. 4.

Email: Gerry Moen  
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Reform Party of USA  
P.O. Box 9  
Dallas, Tx 75221

CHAIRMAN - Jim Mangia  
SECRETARY - Dror Bar-Sadeh

VICE CHAIR - Sue Harris Debauche  
TREASURER - Harry Kresky

AUGUST 8, 2000  
LONG BEACH, CALIFORNIA  
REFORM PARTY USA NATIONAL COMMITTEE RESOLUTIONS

**National Committee Resolution #1**

"Officially move the August 8, 2000 National Committee meeting from the Westin Hotel to the Renaissance Hotel."

**National Committee Resolution # 2**

"Affirm the vote of the Executive Committee to disqualify Patrick Buchanan's candidacy as a presidential candidate of the Reform Party."

**National Committee Resolution # 3**

"Instruct the Executive Committee to meet to perform their duties according to Section 7A of the Reform Party Constitution."

**National Committee Resolution #4**

"Confirm the Executive Committee decision that Dot Drew is the Chairwoman of the 2000 National Convention Credential's Committee, and that the committee chaired by Dot Drew, is the only lawful Reform Party Convention Credential's Committee."

**National Committee Resolution #5**

"Remove Cedric Scofield, and to seat Diane McKelvey as the Mid-West Regional Representative."

**National Committee Resolution #6**

"That the National Committee ratify the Executive Committee's decision upholding the election of Paul Truax and Lon Anne Jones as Regional Representatives and ruling that their recall was improper and void."

**National Committee Resolution #7**

"Affirm the presidential nominating process and that it can't be rescinded or changed in the presidential election year, and that it takes 2/3 of the elected delegates to the National Convention to overturn the primary vote."

**National Committee Resolution #8**

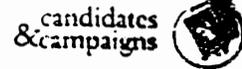
"Adopt the standing rules used at the 1999 Dearborn Convention, as the standing rules for the 2000 Convention in Long Beach, California."

**National Committee Resolution #9**

"That the National Committee ratify the Executive Committee's decisions from the past two months.

**National Committee Resolution #10**

"Ratify the Executive Committee decision to limit the legal services of Dale Coorer, and his law firm, to the handling of the Lynchburg Appeal only."



● search ● site map ● comments

2000 National Convention  
Credential's Committee Report

- 1. General Information
- 2. Event Schedule
- 3. For Discussion
- 4. Travel Information
- 5. Multimedia
- 6. RPUSA Leadership Election
- 7. Regional Representative Election
- 8. Media Credentials
- 9. Credentials Committee Report
- 10. Rules Committee Report
- 11. Convention Call
- 12. Convention Chairman Message

**CREDENTIALING TO THE 2000 NATIONAL REFORM PARTY CONVENTION**

*\*Revised July 12, 2000 - Committee Members*

**IMPORTANT INFORMATION VITAL TO BEING CREDENTIALLED FOR THE 2000 CONVENTION! SUMMARY**

1. For Credentialing of Delegates to the Reform Party of the United States of America 2000 Convention in Long Beach - Contact your State Party Organization State Chair - The Credentials Committee will in general only be working with the State Chair or the State Chair's designated Credentials Contact.

2. All State Chairs, and all those assisting State Chairs in their duties, should read carefully all the items below and make contact with the Credentials Committee. **AS SOON AS POSSIBLE, USING THE FORMAT BELOW, SEND IN YOUR LIST OF DELEGATES TO THE ADDRESS LISTED BELOW!**

3. National Committee Members are not automatically convention Delegates. Being a convention Delegate has nothing to do with being a National Committee Member. The functions of the Credentials Committee do not affect National Committee Members. Questions and registration of National Committee Members should be directed to the State Chairs or Jim Mangia, Secretary for the Reform Party of the United States of America - (213) 654-7409 (h)  
E-mail: [JimMangia@aol.com](mailto:JimMangia@aol.com)

**POLICIES AND PROCEDURES FOR DELEGATE CREDENTIALING TO THE 2000 REFORM PARTY OF THE UNITED STATES OF AMERICA (RPUSA) CONVENTION IN LONG BEACH, CA.**

The Reform Party of the United States Of America 2000 Convention Credentials Committee, will review the credentialability of the organization (or organizations) from each State. The designated delegate representative of the organization from each state Reform Party affiliated organization shall have the burden to certify that the method of determining delegates listed for their state organization complies with their state laws, state organization's rules and bylaws and comply with the Constitution of the Reform Party of the United States of America.

**CREDENTIALS COMMITTEE MEMBERS**

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- Melanie Carne -Credentials Committee Support
- 1440 N. Fig Street
- Escondido CA 92026
- [mcarne@sprintmail.com](mailto:mcarne@sprintmail.com)

**CREDENTIALS COMMITTEE MISSION**

The Credentials Committee shall establish rules, guidelines, and render decisions to facilitate and regulate the process in which delegates to the RPUSA 2000 National Convention are credentialed.

**AUTHORITY OF CREDENTIALS COMMITTEE**

Kelly Abt was appointed chairman of the 2000 Credentials Committee by Pat Choate - National Interim Chair. Dot Drew was appointed Co-Chair by Gerry Moan, Acting National Chairman. The Committee members were appointed by Kelly and Dot. This committee is directed to work toward resolving disputes involving credentialing and establish rules, guidelines, and render decisions to facilitate and regulate the process in which delegates to the Reform Party National Convention are credentialed. The Region Representatives will assist the committee as may be required. The "CONSTITUTION OF THE REFORM PARTY OF THE UNITED STATES OF AMERICA" prevails over all decisions of the Credentials Committee.

**DEFINITIONS:**

A. "Affiliated State Organization" means a group of Party Members who have organized for the purposes of conducting state and local political activities and participating in Reform Party USA activities and which complies with the Constitution of the Reform Party of the United States of America and rules herein for participation in the party and was credentialed by the delegates of the preceding RPUSA Convention.

B. "Affiliated State Party" means an affiliated state organization recognized as a political party under state law and which complies with rules herein for participation in the party and was credentialed by the delegates of the preceding RPUSA Convention.

C. "Party Member" means an Elector of a state who has: 1) Registered under state law as a member of an affiliated state party; or 2) Executed an application for membership (where applicable) in an affiliated state organization in accordance with the rules of that affiliated state organization.

**GENERAL GUIDELINES FOR CREDENTIALLING**

1. Delegates to the Convention shall consist of the three at-large state delegates from the Affiliated State Party or Affiliated State Organization, and one delegate from each Congressional District of the Affiliated State Party or Affiliated State Organization. The maximum possible number of delegates from any state is equal to the number of U.S. Congressional Districts in that state plus three.
2. Delegates shall be Party Members in the state they represent and shall be elected in accordance with the Rules of the Affiliated State Party or Affiliated State Organization.
3. Congressional District delegates and alternate delegates must be residents of the Congressional District they represent.
4. Each delegate shall be entitled to one vote on any matter before the Convention.
5. The State Organization shall have a (ONE) designated Credentials Contact person. This contact person will be the State Organization Chair unless the Chair designates in writing to the Credentials Committee a designated Contact other than the Chair. The designated Credentials Contact person (in most cases) is the sole point of contact between the State Organization and the Credentials Committee. Each Credentials Contact Person shall submit to the Credentials Committee the names and addresses of the delegates and attesting to the fact that the delegates have been chosen in accordance with the Constitution of the RPUSA and the rules of the State Party Organization. A copy of the state party rules and, if applicable, the delegate selection process should be attached only if your state organization has not been credentialed in the past or if your state organization status, party rules, and/or your state delegate selection process has changed since the last convention.

This information will be provided to the credentialing committee for use in resolving any credentials questions at the Convention. This information should be presented to the RPUSA through the Credentials Committee preferably by JULY 3, 2000. The Credentials Committee Meeting starts at 8:00 am WEDNESDAY, AUGUST, 9th. It is the responsibility of each state to have their information submitted in a timely manner in order that the Credentials Committee may include their state's information in the Credentials report. Any state organization that turns in additions or changes to their delegate information after 3:30 PM on Wednesday August 9th takes the risks that the Credentials Committee will not have the time to meet and vote on the proposed changes and additions and have them included in the credentials report to the Convention. The designated credentialing contact person from each state should bring duplicate copies of this information to the Convention.

6. Acknowledging that there may be some last minute cancellations, vacancies on the delegate lists, and a need at the convention for qualified alternates to substitute for no-shows for the convention; each state organization should consider adopting a resolution empowering their Convention Delegation to, by majority vote or other means, to fill any delegate vacancies, which may arise subsequent to the state party's selection of delegates. The individuals designated to fill the vacancies must meet the qualification requirements of the respective State Party or Organization, the "Constitution of the Reform Party of the United States of America" and "Standing Rules For The National Convention of the Reform Party Of The United States Of America". It is the responsibility of the State Designated Credentialing representative to submit the appropriate documentation to the credentials committee for substituting alternates in a timely manner before the start of the convention.

7. Disputes over representation of a particular district within a state, where there is not a question of the legitimacy of a representing state organization, shall be resolved by the state organization. The Credentials Committee will accept the state party organization's chair or equivalent officer or representative's decision on such disputes.

8. Disputes not resolved prior to August 9th, 2000, over the question of two or more state organizations claiming conflicting qualifications for credentialing as Convention delegates, shall be resolved and decided by the Credentials Committee. The Credentials Committee shall in its report to the Convention state its findings. The body of the Convention will then vote to accept or not accept the Committee's report with the decisions contained therein. Where the Credentials Committee determines that claims are worthy of review, the Committee shall meet with representatives of each of the contesting organizations and make a ruling credentialing one organization, mediate an agreement between the contestant organizations, or credential none of the contesting organizations for that state. No more than two representatives from each contesting organization shall be permitted to appear before the Credentials Committee during these deliberations. No other persons other than those appointed by the Credentials Committee to assist the Credentials Committee will be permitted to be in the room during these deliberations. If disputes between two or more state organizations have been previously heard and decided by a prior Credentials Committee, only new and supporting information and documentation will be considered by the current Credentials Committee.

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9. To facilitate the preparation of a roster of delegates and for the RPUSA officers, the Credentials Committee will assist with the contacting of State Organizations. The following are the States and assigned Credentials Committee Members:

Dot Drew - (Southeast Region) Georgia, North Carolina, Alabama, Mississippi, South Carolina, Florida, Tennessee

Pat Benjamin - (Southwest Region) Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas

Ed Wassell - (Pacific Region) Alaska, California, Hawaii, Nevada, Oregon, Washington

Maryellen Moore - (Northwest Region) Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming, Idaho

Jerry Heinemann - (Northeast Region) Washington DC, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia

Diane McKelvey - (Midwest Region) Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Wisconsin

Bill Higgins - (New England Region) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Pat Benjamin - Database

Melanie Carne - Credentials Committee Support

**\* COMMITTEE MEMBERS:**

Lily Andrews, ME

Pat Benjamin, NJ

Margaret Burns, IN

Melanie Carne, CA

Dot Drew, NC

Jerry Heineman, WV

Bill Higgins, MA

Ann Manly, WA

Diane McKelvey, MI

David Meiswinkle, NE

Maryellen Moore, UT

Peggy Palms, NC

Tom Stanley, IA

Ed Wassell, AK

Bonnie Williams, AZ FAX: (602) 455.8276 **POSTING OF UPDATED INFORMATION**

**ON ROSTER**

*As time permits, updated information on the tentative roster of states and delegate counts will be posted on the RPUSA Web Page. All final decisions on credentials will be made at the Long Beach Convention site.*

**TENTATIVE ROSTER OF STATES AND DELEGATE COUNTS**

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Please go to: **DELEGATE REGISTRATION FORM** and print out a copy.

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**Credentials Committee Summary of Teleconference - Sunday June 25, 2000**

AFFIDAVIT OF FRANK M. MACKAY

Frank M. MacKay, is a member of the State of New York's delegation of the Reform Party USA, upon his oath states that he is over 21 years of age, is competent to make this affidavit, and same is made upon his personal knowledge, and he further deposes and says as follows:

1. My name is Frank M. MacKay. I am a resident of Suffolk County, Long Island, New York.

2. I am New York State Chairman of the Independence Party of New York and was elected to this position on February 4, 2000.

3. The Independence Party of New York is the New York affiliate of the Reform Party of the United States. I attended the National Committee meeting of the Reform Party, called for August 8, 2000 in Long Beach California, as one of two New York State members to the National Committee. The third National Committee member from New York was unable to attend. I was also a delegate of the Independence Party to the Reform Party Convention held in Long Beach from August 10 through 13, 2000.

4. At the National Committee meeting I witnessed the attempt to hold the meeting in violation of the rules of the Reform Party of the United States Constitution. The parliamentarian ruled that the Constitution required that a quorum of the National Committee consist of a majority of the unchallenged National Committee members and that only unchallenged members could vote on the resolution of the credentialing issues concerning challenged members. In spite of these rulings and the clear language of the Constitution, the Acting Chair of the Meeting, Mr. Gerry Moan, attempted to conduct the meeting with challenged and unchallenged members constituting the quorum and with challenged members participating in voting on resolving challenges to the seating of members. In light of this improper attempt to convene the meeting in violation of party rules I joined the National Secretary, Mr. James Mangia, and other unchallenged members of the National Committee in convening the meeting in another room.

5. Two days after the National Committee meeting I was present at the Buchanan Reform Convention during the credentialing of delegates. Mr. Moan was present while Mr. Reed chaired the process. The procedure adopted for credentialing delegates was that only the unchallenged delegates were allowed to vote on the seating of disputed delegates. This position is the exactly opposite to the rule adopted by Mr. Moan at the August 8th National Committee meeting.

6. As a result of the conflict that came to a head at the National Committee meeting, two credentialing committees were established, one chaired by Dot Drew who was aligned with Mr.

Mangia and one chaired by Frank Reed who was aligned with Mr. Moan. The New York delegation decided to appear before both.

7. The New York Delegation was credentialed without difficulty by Ms. Drew's committee. However, in the committee chaired by Mr. Reed objection was made to our participating the Buchanan Reform Convention because we could not guarantee that the New York Independence Party would place Mr. Buchanan on the Independence Party ballot line as its Presidential candidate. We explained to the committee that it was legally impossible for our delegation to give this guarantee.

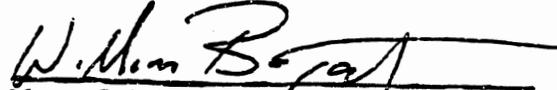
8. Under New York election law the election of state committee members is held September 12, 2000. It is the people who are elected at this time who vote on placing a presidential candidate on the New York ballot. Thus, the delegation could not speak for this group. Moreover the Constitution of the Reform Party does not require of any delegation wishing to participate in the Convention this kind of guarantee. The committee recognized the improper nature of the objection to credentialing our delegation when it voted 3 to 1 in favor of credentialing, with 1 abstention.

9. At the Buchanan Convention the challenge to the New York delegate was renewed. In spite of the recommendation of Mr. Reed's credentialing committee that New York be seated because, under New York law and the Reform Party Constitution, we could not be required to guarantee that Buchanan would be the nominee of the Independence Party, the convention voted to not seat our delegation. The basis for this vote was that New York could not guarantee that it would nominate Buchanan in New York if he was nominated by the Buchanan convention.

  
\_\_\_\_\_  
Frank M. MacKay

STATE OF NEW YORK §  
  §  
COUNTY OF SUFFOLK §

Sworn and subscribed before me this 18<sup>th</sup> day of August, 2000.

  
Notary Public

My commission expires:  
July 19 2001

WILLIAM BOGARDT  
NOTARY PUBLIC, State of New York  
No 01806027667  
Qualified in Suffolk County  
Commission Expires July 19, 2001



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August 13, 2000

REFORM PARTY OF THE UNITED STATES OF AMERICA  
P.O. Box 9  
Dallas, Texas 75221

**REFORM PARTY NATIONAL CONVENTION RESOLUTION**

Be advised that the Reform Party of the USA has officially nominated John Hagelin as its candidate for the office of President of the United States

and Nat Goldhaber as its candidate for the office of Vice President of the United States.

These nominations were made and certified at the National Presidential Nominating Convention in Long Beach, Ca on August 12, 2000.

No affiliated State Party may authorize any other person for placement on the ballot as a Reform Party candidate for the office of President or Vice President other than those named above. Any individual attempting to certify any other candidate is not acting as a legitimate agent of a Reform Party affiliate and their attempts or actions have no force or affect.

**EXHIBIT "K"**

ATTACHMENT 2  
Page 220 of 220

**Attachment 3**

FEDERAL ELECTION COMMISSION

RECEIVED  
FEC MAIL ROOM

2000 SEP -5 P 5:08

JAMES MANGIA,

vs.

PATRICK J. BUCHANAN,  
BUCHANAN REFORM, ANGELA  
BAY BUCHANAN, AND  
GERALD M. MOAN

**RESPONSE**

SEP 6 9 00 AM '00

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

**INTRODUCTION**

The allegations in Mr. Mangia's                      solely involve matters relating to the internal  
operations of the Reform Party of the United States of America, which are governed by its

ATTACHMENTS 3

Page 1 of 59

Constitution and other organizational documents, and not by the Act or the Fund Act.<sup>1</sup> Consequently the issues Mr. Mangia has raised are not within the jurisdiction of the Commission. Mr. Mangia seeks to have the Commission adjudicate whether Mr. Buchanan's nomination at the Reform Party Convention was conducted in accordance with the Party's internal rules, but he has come to the wrong forum. Courts have repeatedly held that the convention of a political party is the proper forum to resolve disputes about the interpretation and application of the rules and regulations governing a party's nominating process – not a court; and *a fortiori*, not the Commission. Mr. Hagelin and his supporters “walked out” of the Reform Party Convention, and in doing so they forfeited their opportunity to raise in the appropriate forum the internal procedural issues they improperly seek to raise here.

Mr. Mangia attempts to “bootstrap” his objections to the conduct of the Reform Party's nominating process into a violation of the Presidential Election Campaign Fund Act by contending that “any representation to the FEC by ... any of the Respondents, that Patrick J. Buchanan is the valid and lawful Reform Party Nominee for the office of the President of the United States, constitutes a false, fictitious, and fraudulent representation to the FEC, in violation of 26 U.S.C. 9012(d)(12).”<sup>2</sup> This contention rests on a false premise. As we demonstrate below, Mr. Buchanan and Ms. Foster were chosen as the Reform Party nominees at the Reform Party Convention. Assuming for the sake of argument that Mr. Mangia's allegations of procedural irregularities are accurate – which they are not – this does not change the operative fact of the

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<sup>1</sup> Mr. Hagelin also alleges a violation of 42 USC § 1974, the enforcement of which is not within the jurisdiction of the Commission. Furthermore, Mr. Hagelin does not allege any facts sufficient to show that any representative of the Reform Party engaged in any action amounting to either the failure to “retain and preserve” or the destruction of records covered by the Statute.

<sup>2</sup> Mangia Original Sworn , p. 13 (August 10, 2000).

nomination of Mr. Buchanan and Ms. Foster pursuant to the Reform Party Convention. The FEC need not go beyond that simple fact to assure itself no "false and fraudulent representation" has occurred. Indeed, to do more would involve an examination of internal political party matters in which, for many good reasons, courts have refused to engage and into which the Commission certainly should not venture.

**A. Mr. Buchanan and Ms. Foster Were Nominated By the Reform Party Convention**

The Reform Party nominated Mr. Buchanan as its candidate for the office of President of the United States, and Ms. Foster as its candidate for the office of Vice-President of the United States, at its convention in the Long Beach Convention Center, Long Beach, California ("the Convention").<sup>3</sup> The Convention was called into session,<sup>4</sup> pursuant to Article III, Section 10 of the Constitution of the Reform Party,<sup>5</sup> by Mr. Gerald Moan, the Chairman of the Reform Party,<sup>6</sup> and was chaired by Mr. Moan. The Convention site had been a subject of controversy and the Mr. Moan's selection of the Long Beach site was confirmed by the federal district court for the

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<sup>3</sup> Mr. Buchanan and Ms. Foster's selection was certified by Mr. Gerald Moan, the Chairman of the Reform Party, Mr. Tom McLaughlin, its Treasurer, and Mr. Phil Alexander, its Secretary. (See Appendix A). Mr. McLaughlin is also the Treasurer of the National Committee of the Reform Party, the registered political committee of the Reform Party. (See Appendix B).

<sup>4</sup> A copy of the Convention "call" is attached as Appendix C.

<sup>5</sup> A copy of the Reform Party Constitution is Attached as Appendix D.

<sup>6</sup> Mr. Moan has been a member of the Reform Party for many years. Mr. Moan was elected Vice-Chairman at the Dearborn, Michigan Convention in 1999. At that meeting Mr. John Gargan was elected to serve as Chairman and Mr. Jim Manga was elected to serve as Secretary. Their terms commenced on January 1, 2000 and ending on December 31, 2000. Shortly after his term commenced, Mr. Gargan was removed as Chairman at a National Committee Meeting in Nashville Tennessee and replaced by Mr. Pat Choate. The validity of Mr. Gargan's removal, and Mr. Choate's election was affirmed by a federal district court in Reform Party of the United States v. Gargan, 89 F.Supp.2d 751, 761-62 (W.D. Va. 2000). Subsequently, Mr. Choate resigned his position and Mr. Moan, as Vice Chairman, assumed the role of Chairman.

Western District of Virginia in Reform Party of the United States v. Gargan, 89 F.Supp.2d 751 (W.D. Va. 2000).

Mr. Moan was also the Chair and Treasurer of the Convention Committee, which received federal entitlement to funds (pursuant to 26 U.S.C. § 9008) to defray the cost of the Reform Party Convention. Mr. Moan's selection as the Chair/Treasurer of the Convention Committee was also confirmed in Reform Party of the United States v. Gargan, *supra*, at 761.

In his capacity as Chair/Treasurer of the Convention Committee, Mr. Moan asked for and received from the Commission an Advisory Opinion (AO2000-06) authorizing the expenditure of the federal funds made available to the Reform Party to conduct its convention to pay for the primary preference ballot. In its Advisory Opinion, the Commission noted that the candidate receiving a majority of the first-choice votes would be the Presidential nominee, unless two-thirds of the delegates voted to reject the results of the primary preference ballot and elect the nominee by a direct vote. AO2000-06 at 5, n.5. In the primary preference balloting Mr. Buchanan received twice as many first-choice votes as Mr. Hagelin. Nevertheless, at the Convention more than two thirds of the delegates voted to abandon the primary preference ballot and to determine the nominee by direct vote. The Convention then almost unanimously selected Mr. Buchanan and Ms. Foster to be the Presidential and Vice-Presidential nominees of the Reform Party. (See Declaration of Gerald Moan, Appendix E).

Mr. Buchanan and Ms. Foster's selection has been certified by Mr. Gerald Moan, the Chairman of the Reform Party, and by Mr. Tom McLaughlin, its Treasurer. Mr. McLaughlin has been a long time member of the Reform Party. He is also the Treasurer of the National Committee of the Reform Party, the political committee of the Reform Party that is registered with the Commission. Mr. McLaughlin was elected as Treasurer of the Reform Party during a

National Committee meeting in Nashville, and the validity of his election was also confirmed by the District Court in Reform Party of The United States v. Gargan, *supra*, at 761. Mr. Moan and Mr. McLaughlin are two of the three National Officers of the Reform Party who appear on the call to the Convention.<sup>7</sup> Moreover, since the early part of this year, and with the explicit approval of the National Committee of the Reform Party and the District Court, they have been the representatives from the Reform Party to the Commission. Common sense dictates that the Commission should continue to rely on them in ascertaining the nominees of the Reform Party.

The Commission need not, and indeed should not, consider complaints about the internal processes of the Reform Party leading up to the Convention or at the Convention, such as the seating of Convention delegates. The Reform Party Constitution – like most party constitutions – makes the Convention the “supreme governing body” of the Reform Party and gives the Convention all power and authority over the affairs of the Reform Party.<sup>8</sup> As the District Court noted in Reform Party v. Gargan:

Courts are traditionally reluctant to interfere with the internal operations of political parties. Irish v. Democratic-Farmer-Labor Party of Minnesota, 399 F.2d 119, 120 (8<sup>th</sup> Cir. 1968), citing Lynch v. Torquato, 343 F.2d 370 (3d Cir. 1965). Specifically, with regard to the credentialing of delegates the national party determines whether a state’s delegates are seated at a national party convention. See Democratic Party of United States v. Wisconsin, 450 U.S. 107, 126, 101 S.Ct. 1010, 67 L.Ed.2d 82 (1981); See also Cousins v. Wigoda, 419 U.S. 477, 489, 95 S.Ct. 541, 42 L.Ed.2d 595 (1975) (holding that the First Amendment protected the party’s right to determine the composition of state delegations). Ultimately, “the proper forum for determining intra-party disputes as to which delegates shall be seated” is the convention itself. O’Brien v. Brown, 409 U.S. 1, 4, 92 S.Ct. 2718, 34 L.Ed.2d 1 (1972), vacated as moot, 409 U.S. 816, 93 S.Ct. 67, 34 L.Ed.2d 72,

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<sup>7</sup> The Reform Party Constitution provides for four “National Officers,” a Chairman, a Vice-Chairman, a Secretary, and a Treasurer. With the resignation of Mr. Choate as Chairman, only three officers remained.

<sup>8</sup> Democratic-Farmer-Labor State Central Committee v. Holm, 33 N.W. 2d 831 (1948); State, Ex Rel Hans Fosser v. Lavik, 83 N.W. 914 (1900); see also Reform Party Constitution, Art. III, § 9(a), (b).

73; see also Irish, 399 F.2d at 120 ("the attitude [of the courts] has been one of reluctance and of willingness to have the challenged body initially given the opportunity to attempt to reorganize itself").

89 F.Supp.2d at 760.<sup>9</sup> Thus, even the courts – which are clearly better suited than the Commission to consider objections to the internal processes of political organizations – have refused to entertain such issues, particularly where, as here, the objections were not raised to the Convention itself.

**B. Mr. Mangia Has No Basis For the Claim That John Hagelin Is the Reform Party Nominee**

Mr. Mangia's representation that John Hagelin he is the nominee for the Office of President of the United States for the Reform Party of the United States of America is invalid, as it has absolutely no legal support, and is clearly a claim asserted without authorization from the official Reform Party of the United States of America.

If we examine the primary preference ballot, Mr. Buchanan defeated Mr. Hagelin by a margin of approximately 2 to 1. Although more than two-thirds of the delegates to the Convention did in fact vote to set aside the ballot, Mr. Mangia cannot rely on that vote and, at the same time ignore the selection (by those same delegates) of Mr. Buchanan and Ms. Foster as the Reform Party nominees.

To the extent Mr. Mangia contends that the splinter group of delegates supporting John Hagelin's nomination represents the official view and decision of the Reform Party of the United

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<sup>9</sup> Democratic-Farmer-Labor State Central Committee v. Holm, 33 N.W. 2d 831 (1948); State, Ex Rel Hans Fosser v. Lavik, 83 N.W. 914 (1900).

States of America, his argument is utterly without legal merit. In numerous cases, courts have held that a minority of delegates to a political convention cannot withdraw from the regular convention and successfully claim that they constitute the legal party convention. Democratic-Farmer-Labor State Central Committee v. Holm, 33 N.W. 2d 831, 833-38 (S.D. 1948); State ex rel. Howells v. Metcalf, 100 N.W. 923, 925-26 (S.D. 1904); State ex rel. Gronvold v. Porter, 91 N.W. 944 (N.D. 1902). Mere assertion of the claim that a splinter faction of delegates represents the official Reform Party is inadequate to support the contention that Mr. Hagelin's nomination is proper.

**C. Mr. Mangia's Allegations of Irregularity In the Nominating Process Are Without Merit**

As we have indicated above the Commission need only consider the results of the Reform Party Convention, and, consistent with the overwhelming weight of court precedent, the Commission neither can, nor should, entertain Mr. Mangia's allegations of irregularity in the process under the Reform Party Rules.<sup>10</sup> Nevertheless, we will, for the sake of completeness, address these allegations below and show their total lack of merit.

Mr. Mangia's primary contention is that Mr. Buchanan was "disqualified" from the primary preference balloting at a meeting of the Executive Committee because he had allegedly supplied to the Reform Party Presidential Nominating Committee the names of persons (to receive ballots) who had not "requested ballots" as required under Section IV(2)(c) of the

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<sup>10</sup> A copy of the Rules for the Selection of Reform Party of the United States Nominees for President and Vice President of the United States is attached as Appendix F.

Rules.<sup>11</sup> Mr. Mangia's contention is specious for several sound factual and legal reasons, and the "process" of Mr. Buchanan's alleged disqualification reveals in stark terms the lack of procedural or factual integrity that has characterized the actions of the dissident few who refuse to accept that Mr. Buchanan is the choice of the overwhelming majority of the Reform Party members.

First, Mr. Buchanan's alleged disqualification from the ballot at the purported Executive Committee meeting is irrelevant, since the Rules provide that the ballot may be set aside, and the nominee for President elected by a direct vote of the delegates. (See Appendix D, Section IV(11)). Since the ballot was set aside at the Convention and since Mr. Buchanan was nominated by the direct vote of the delegates, the dispute about the "ballot" is moot.

Second, neither the Executive Committee nor the PNC had any authority under the rules to disqualify Mr. Buchanan. The rules provide that once the ballot is distributed only the Convention can overturn or disregard its results. Mr. Dale Cooter, the Reform Party General Counsel, confirmed that interpretation of the Rules.<sup>12</sup>

Third, the PNC did not vote to disqualify Mr. Buchanan. To the contrary, the disqualification vote did not carry because Mr. Moan, the recognized Chairman of the Party and Mr. McLaughlin, its recognized Treasurer, who were ex officio members with the right to vote, appeared and voted against the illegal disqualification effort.<sup>13</sup> Moreover, the purported

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<sup>11</sup> It is worth noting that Section IV(2) includes three separate criteria for eligibility to receive Reform Party Presidential Primary ballots. See Appendix D, Section IV(2)(a) & (b).

<sup>12</sup> See Mangia Original Sworn , Exhibit "J" at 3.

<sup>13</sup> Id.

Executive Committee meeting at which Mr. Buchanan was allegedly disqualified was not properly called and, in any event, had no authority to overrule the decision of the PNC.

Finally, the alleged disqualification of Mr. Buchanan rested not on any evidence of wrongdoing, but on Mr. Buchanan's refusal to cooperate with the ultra vires actions of the PNC, a refusal that was based on the advice of the Reform Party General Counsel that the matter could not be addressed legally by the PNC, but only by the Convention. The Executive Committee's decision was totally arbitrary, unsupported, and unjustified.

**D. Mr. Mangia's Behavior At the National Committee Meeting Demonstrates his and Mr. Hagelin's lack of good faith**

Mr. Mangia does not dispute that the National Committee meeting called on August 8<sup>th</sup> was properly called. Mr. Mangia and Mr. Moan had agreed previously on a list of National Committee members, but, despite their agreement (reflected in the posting of the certified list of names on the Reform Party website at the National Committee meeting) Mr. Mangia challenged 120 of the National Committee's 160 recognized members on the list. Although these challenges were completely without substantiation or substantive merit, Mr. Mangia contended that only the 40 persons who had not been challenged could vote on any of the challenges. When the Chair refused to count once this absurd effort to disrupt the proceedings, Mr. Mangia withdrew with his 22 supporters on the National Committee. In other words, Mr. Mangia had put forth spurious challenges to 120 of the 160 recognized National Committee members with the aim of creating a 40 person "national committee" that he could dominate with his 22 supporters, and which would then pass on the "objections" he had lodged to the other 120 members with predictable results. For the reasons cited above in Section B of this response, these claims should not be taken

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CASES

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A

CERTIFICATE OF NOMINATION

To: The Honorable Elaine F. Marshall  
Secretary of State  
P.O. Box 29622  
Raleigh, NC 27626-0622  
and  
Larry Leake, Chairman  
State Board of Elections  
506 N. Harrington Street  
Raleigh, NC 27603-1326

We hereby certify that as a result of the Reform Party, USA national nominating convention held on August 9, 2000 through August 13, 2000 in Long Beach, California that the following have secured nomination as candidates for President and Vice President of the United States of the Reform Party of the United States of America, and should appear on the November 7, 2000 general election ballot in the State of North Carolina as the candidates of the Reform Party of North Carolina, and accompanying the Reform Party name.

For President of the United States  
Pat Buchanan  
1017 Savile Lane  
McLean, VA 22101

For Vice President of the United States  
Ezola Foster  
12012 Washington Place, Apt. 7  
Los Angeles, CA 90066

Gerald M. Moan

signature  
Gerald M. Moan  
Chair, Reform Party, USA  
Chair, Reform Party Convention

STATE OF Az )  
COUNTY OF Pima )

Subscribed and sworn to before me this 17 day of August, 2000, by Gerald M Moan

Sharyn Sperka  
Notary Public - \_\_\_\_\_

My commission expires: 1/7/2004

Seat



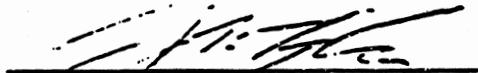
CERTIFICATE OF NOMINATION

To: The Honorable Elaine F. Marshall  
Secretary of State  
P.O. Box 29622  
Raleigh, NC 27626-0622  
and  
Larry Leake, Chairman  
State Board of Elections  
506 N. Harrington Street  
Raleigh, NC 27603-1326

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For President of the United States  
Pat Buchanan  
1017 Savile Lane  
McLean, VA 22101

For Vice President of the United States  
Ezola Foster  
12012 Washington Place, Apt. 7  
Los Angeles, CA 90066

  
signature  
Thomas J. McLaughlin  
Secretary, Reform Party Convention

STATE OF NJ )  
COUNTY OF SSEX )

Subscribed and sworn to before me this 17 day of August, 2000, by \_\_\_\_\_

  
Notary Public  
Rhonda A. Jones

My commission expires:  
Seal **RHONDA A. JONES**  
**NOTARY PUBLIC OF NEW JERSEY**  
Commission Expires 3/11/2004

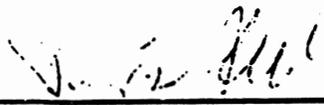
CERTIFICATE OF NOMINATION

To: The Honorable Elaine F. Marshall  
Secretary of State  
P.O. Box 29622  
Raleigh, NC 27626-0622  
and  
Larry Leake, Chairman  
State Board of Elections  
506 N. Harrington Street  
Raleigh, NC 27603-1325

We hereby certify that as a result of the Reform Party, USA national nominating convention held on August 9, 2000 through August 13, 2000 in Long Beach, California that the following have secured nomination as candidates for President and Vice President of the United States of the Reform Party of the United States of America, and should appear on the November 7, 2000 general election ballot in the State of North Carolina as the candidates of the Reform Party of North Carolina, and accompanying the Reform Party name.

For President of the United States  
Pat Buchanan  
1017 Savile Lane  
McLean, VA 22101

For Vice President of the United States  
Ezola Foster  
12012 Washington Place, Apt. 7  
Los Angeles, CA 90066



signature  
Philip Alexander  
Secretary, Reform Party, USA  
Commonwealth of Massachusetts  
STATE OF )  
COUNTY OF Dukes County ) ss.

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 2000, by Philip Alexander

  
Notary Public - Ann K. Hunt

My commission expires: August 18, 2000

Seat

**ANN K. HUNT**  
Notary Public  
My Commission Expires August 18, 2000

1. NAME OF COMMITTEE IN FULL <input type="checkbox"/> (Check if name is changed) <b>FORM PARTY OF THE UNITED STATES OF AMERICA</b>		2. DATE <b>02 - FEB 27 P 3:35</b>
1 and Street Address <input checked="" type="checkbox"/> (Check if address is changed) <b>FERNWOOD AVENUE</b>		3. FEC Identification Number <b>COO 33</b>
City, State and ZIP Code <b>BARTONSVILLE, PA 18321</b>		4. Is This Report An Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

RECEIVED  
FEDERAL ELECTION  
COMMISSION MAIL ROOM

B

5. TYPE OF COMMITTEE (Check one)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

(c) This committee supports/opposes only one candidate \_\_\_\_\_ and is NOT an authorized committee. (name of candidate)

(d) This committee is a NATIONAL committee of the REFORM (National, State or subordinate) (Democratic, Republican, etc.)

(e) This committee is a separate segregated fund.

(f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
<b>REFORM PARTY 2000 CONVENTION COMMITTEE</b>	<b>9219 EAST SHANTOLANE TUCSON, ARIZONA 85749</b>	<b>CONVENT COMMITTEE</b>

Type of Connected Organization

Corporation  Corporation with Capital Stock  Labor Organization  Membership Organization  Trade Association  Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee records.

Full Name	Mailing Address	Title or Position
<b>TREASURER</b>		

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of a agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
<b>THOMAS J. McLAUGHLIN</b>	<b>72 FERNWOOD AVENUE BARTONSVILLE, PA 18321</b>	<b>TREASURER</b>

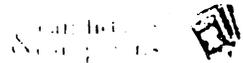
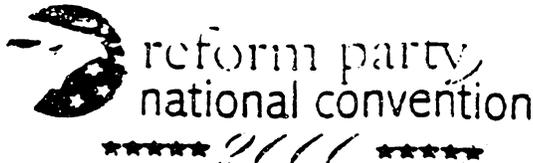
9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
<b>PNC BANK, NA</b>	<b>1110 NORTH NINTH ST STROUDSBURG, PA 18360</b>

I hereby declare that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

PRINT NAME OF TREASURER <b>Thomas J. McLaughlin</b>	SIGNATURE OF TREASURER 	DATE <b>02-18</b>
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of U.S.C. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.



search site map comments

2000 Convention Call

- 1. General Information
- 2. Event Schedule
- 3. For Discussion
- 4. Travel Information
- 5. Multimedia
- 6. RPUSA Leadership Election
- 7. Regional Representative Election
- 8. Media Credentials
- 9. Credentials Committee Report
- 10. Rules Committee Report
- 11. Convention Call
- 12. Convention Chairman Message

TO: Reform Party Delegates and Members  
 DATE: June 25, 2000  
 SUBJECT: Call to National Convention

It is our pleasure to invite you to the 2000 National Convention of the Reform Party of the United States of America to be held at the Long Beach Convention Center, Long Beach California on August 10th, 11th, 12th and 13th, 2000.

We encourage each of you, along with your family and friends to come to Long Beach. Together we have spent years building a party based on real government reform. This will be the first Reform Party National Convention wherein we will nominate our 2ND Presidential and Vice Presidential Candidates. We will have

a spectacular week of events (see agenda enclosed).

All sessions of the National Convention and National Committee are open to the public on a "space available basis". The evening sessions will be scheduled to maximize our National Media exposure to potential Reform minded voters. We have already been contacted by various major media outlets both national and international planning coverage our Reform Party Convention in large numbers.

Enclosed is a copy of our tentative agenda, proposed amendments to our National Constitution from the Rules Committee and other information pertinent to the Convention.

- We encourage all State Chairpersons to expeditiously forward the appropriate credentials information to the Credentials committee for processing. Credential verification and voting cards for the authorized voting delegates will be issued on August 10th, 2000.
- The State Chairpersons are also requested to verify their State National Committee members are correct as posted to the National Party website as well as registered with the National Secretary.

We look forward to seeing you in Long Beach, where we will showcase to the world the true message and vision of Reform...The Reform Party of the United States of America.

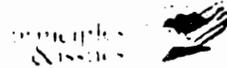
**Gerald M. Moan**  
Chairman

**Jim Mangia**  
Secretary

**Tom McLaughlin**  
Treasurer

**Michael Farris**  
Presidential Nominations

**Judy Duffy**  
Convention Committee



search site map documents

**ARTICLE I**

**Name**

- The name of this Party shall be the Reform Party of the United States of America.

This constitution, passed November 2, 1997, was established in the Reform Party National Founding Convention in Kansas City, Missouri.

**ARTICLE II**

**Object**

The Object of the Reform Party shall be to:

- a) Establish and operate as a major national political party composed of affiliated State Party Organizations from each state;
- b) Nominate and endorse candidates for President of the United States and for Vice President of the United States;
- c) Assist in the election of such candidates;
- d) Assist State Party Organizations in the election of their candidates and voter education;
- e) Develop and promote the enactment of legislation and policies consistent with the Reform Party Principles;

**Revisions:**

Oct 11, 1998 in Atlanta, GA  
July 23, 1999 in Dearborn, MI.

**Article**

- 1. Name
- 2. Object
- 3. National Convention
- 4. National Committee
- 5. Executive Committee
- 6. Standing Committee General Provisions
- 7. Special Committees and Sub-Committees
- 8. National Officer General Provisions
- 9. State Party Organizations
- 10. General Provisions
- 11. Bylaws
- 12. Parliamentary Authority
- 13. Amendment

**ARTICLE III National Convention**

✎ Section 1. There shall be a National Convention. The first session of the National Convention shall be designated as "The Inaugural National Convention of the Reform Party of the United States of America" and shall be further designated by the date or dates of such session, and by the location of such session. Each subsequent session of the National Convention shall be similarly titled and designated, except that such session shall be consecutively enumerated.

✎ Section 2. The National Convention shall be responsible for the governance of the Reform Party, and for providing for the fulfillment of the Object of the Reform Party.

- Section 3. The National Convention shall be composed of the following Delegates:
  - a) The Executive Committee
  - b) Three Statewide Delegates from each State Party Organization
  - c) One Delegate from each U.S. Congressional District.

- Section 4. Qualifications for a person to be eligible to be a Delegate shall be such that each Delegate shall:
  - a) be a member of their State Party Organization and a resident of the U.S. Congressional District and/or state for which he or she is a Delegate.

- b) be elected as provided in the Rules of their State Party Organization.
  - c) not be required to pay a personal assessment or fee as a condition of serving as a Delegate.
  - d) be registered with the Executive Committee. No person shall be deemed to be a Delegate, who is not so registered..
- **Section 5. State Party Organization rules pertaining to Delegate qualifications, eligibility, election or appointment, term of office, conditions of continuing service, removal from office, vacancies, duties, powers, subjection, participation, and voting rights, shall be observed; unless such rules are in conflict with this Constitution, or other provisions adopted pursuant to provisions of this Constitution; including the provisions of the Bylaws, the Resolutions and actions of the National Convention, and such provisions as may be specified in the Standing Rules of the National Convention.**
    - a) In the event such State Party Organization rules do not so pertain, a State Party Organization shall carry out such measures as may be required by: the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
    - b) In the event such State Party Organization rules do so conflict, a State Party Organization shall carry out such measures as may be required by the National Convention, the proper directives of the National Committee, the proper directives of the Executive Committee, and such as may be provided in the Bylaws.
  - **Section 6. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Delegate.**
  - **Section 7. The removal of a Delegate shall be such that:**
    - a) Any Delegate may be removed by three-quarters vote of the registered Delegates of the National Convention. The seat of a Delegate so removed shall automatically and immediately become vacant upon such removal.
    - b) Any Delegate may be removed in accordance with the Rules of the applicable State Party Organization, except for a person who is a Delegate as a result of being an Elected National Party Officer.
  - **Section 8. Each State Party Organization may send Alternate Delegates in accordance with their State Party Organization Rules. Each Alternate Delegate must meet all the qualifications of a Delegate, shall reside in the same political district as the Delegate they replace, and shall have no voting rights until re-registered as a Delegate.**
  - **Section 9. The National Convention shall:**
    - a) be the supreme governing body of the Reform Party at the national level, subject only to the provisions of this Constitution and the provisions of the Bylaws.
    - b) have all power and authority over the affairs of the Reform Party, subject only to the provisions of this Constitution and to the provisions of the Bylaws.
    - c) have the exclusive power to grant Official Recognition to State Party Organizations. Official Recognition of a State Party Organization shall be granted by majority vote of the registered Delegates.
    - d) receive reports from the National Officers and Committees.
    - e) adopt a national Reform Party platform by two-thirds vote of the registered Delegates.
    - f) adopt a national Statement of Principles by two-thirds vote of the registered Delegates. This same requirement shall apply to amendments, additions or revisions to the Statement of Principles.
    - g) in appropriate years, provide rules and procedures for the nomination and endorsement of candidates for the office of President and Vice President of the United States, or no endorsement, such procedures shall, to the extent possible, provide for the popular selection by Reform Party members.
    - h) act upon such other matters as the National Convention deems appropriate, subject to the provisions of this Constitution and the provisions of the Bylaws.
  - **Section 10. Sessions of the National Convention shall be such that:**
    - a) Previous notice of each session of the National Convention shall be given in writing, by

means of a Call to National Convention. Such a Call to National Convention shall:

- (1) be mailed to each affiliated State Party Organization Chair and all known elected Delegates and Alternates, not more than ninety days and not less than thirty five days, prior to the date of the first scheduled business meeting of the session being called.
- (2) specify the date, hour, place and proposed agenda of the meeting.
- (3) contain other such information as is provided in this Constitution, and such as may be provided in the Bylaws.

- b) The quorum of a session of the National Convention shall be the majority of all registered Delegates.

- c) The National Convention shall be called into session once each calendar year. Such session shall be scheduled and arranged, and a Call to National Convention shall be properly issued by the National Party Chair, upon two-thirds vote of the Executive Committee or majority vote of the National Committee, except in a case of emergency. In a case of emergency, the National Convention may be called into session as needed such that:

- (1) A case of emergency shall be deemed to exist upon such being officially declared by the Reform Party Chair, by a majority vote of the Executive Committee, or by majority vote of the National Committee.

- (2) An official declaration of emergency shall in no way remove, alter, or have precedence over any of the provisions of this Constitution, or the provisions of the Bylaws.

- d) The determination, allocation, exercise and tally of Delegate votes shall be such that:

- (1) Only Delegates who have been properly registered and are in attendance at the time of the vote shall be eligible to vote. There shall be no proxy voting.

- (2) No person shall hold more than one Delegate seat.

- (3) Each Delegate shall have one and only one vote.

- (4) No Delegate shall be required to cast a vote contrary to his or her preference.

- Section 11. Each Delegate shall report to the State Party Organization of which he or she is a member. The National Convention shall provide that the minutes and Resolutions of the National Convention be recorded in writing, be properly filed with Reform Party Executive Committee, be distributed to the Chairperson of each State Party Organization and be made available to the public

**ARTICLE IV**  
**National Committee**

- **Section 1. The National Committee shall be responsible for the conducting of the business and affairs of the Reform Party between sessions of the National Convention. Such responsibilities shall include:**
  - a) providing a procedure for the nomination of Reform Party National Officers.
  - b) the temporary filling of National Officer vacancies.
  - c) providing for the clear interpretation, proper application, and continuing pertinence of the Bylaws, and for the continuing integrity of the Bylaws with this Constitution and the Statement of Principles of the Reform Party.
  - d) formulating and promoting statements of public policy, which are consistent with the Reform Party Statement of Principles.
  - e) providing for the raising, budgeting, disbursing and accounting of the monies for the operation of the Reform Party in amounts sufficient to fulfill the Party Object, including setting the dollar amount and payment frequency of any dues, fees and assessments to be paid to the National Party by State Party Organizations.
  - f) providing for ongoing Reform Party public relations and voter education.
  - g) providing for the keeping, filing and archival storage of the official books, records and lists of the Reform Party.
  - h) assisting state Reform Party Organizations in the building of their State Party Organizations, election of their endorsed candidates and member education, and
  - i) all other actions appropriate or necessary to carry out the provisions of this Constitution and the Bylaws and carry on the successful operation of the Reform Party.
- **Section 2. The National Committee shall be composed of:**
  - a) the Executive Committee.
  - b) three statewide Delegates from each State Party Organization
- **Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing membership on the National Committee.**
- **Section 4. A National Committee Member shall be subject to the provisions of this Constitution and the Rules of their State Party Organization except where the State Party Organization rules conflict with this Constitution or state election laws. The State Chair shall be responsible for registering the State Party Organization's National Committee Members with the Executive Committee.**
- **Section 5. Each National Committee Member shall have the duty to serve on at least one Reform Party Standing Committee or Special Committee.**
- **Section 6. The National Committee shall meet one or more times in each calendar year. A National Committee meeting shall be called by the National Chairperson or by action of one-fourth of all National Committee members. The National Committee may conduct a vote by mail on matters pertaining to the election and/or nominating of officers, the election of committee members, the filling of vacancies, the activation and dismissal of Special Committees, the issuance of a Call to National Convention, the approval or amendment of the Reform Party budget and the amendment of the Bylaws.**
- **Section 7. A quorum of the National Committee shall be a majority of the registered National Committee Members.**
- **Section 8. The National Committee shall report to the National Convention.**
- **Section 9. National Committee Members shall be elected, not appointed, democratically by their respective State membership at State Conventions, caucuses or whatever democratic process is available, provided that such elections are in compliance with and do not violate State Election laws.**

## Executive Committee

- Section 1. The Executive Committee shall be responsible for the conducting of the day to day business and affairs of the Reform Party, between meetings of the National Committee. The responsibilities of the Executive Committee shall include:
  - a) coordinating the efforts of the Standing Committees and the Special Committees so as to maximize efficiency, maximize resources, maximize effect and fulfill the object of the Reform Party.
  - b) providing for such organizational, administrative and financial support as the National Convention may require for its organization and operation,
  - c) providing for such organizational, administrative and financial resources as may be required to fulfill the Object of the Reform Party,
  - d) all actions appropriate or necessary to carry out the provisions of this Constitution, the Bylaws, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention, and
  - e) all actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 2. The Executive Committee shall be composed of the Reform Party USA Officers and seven regional representatives elected by the National Committee.
- Section 3. Regional Representatives to the Executive Committee shall be elected by the National Committee at the first meeting of the National Committee held in odd numbered years and shall serve for two years.
- Section 4. All Regional Representatives will be elected at meetings of the National Committee. Committee representatives from the states within the regions will caucus to elect one representative from each region. The regions are defined as:
  - a) Midwest Region - Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Minnesota
  - b) New England Region - Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
  - c) Northeast Region - Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington D.C., West Virginia
  - d) Northwest Region - Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming
  - e) Pacific Region - Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington
  - f) Southeast Region - Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee
  - g) Southwest Region - Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas
  - h) The duties of each Regional Representative shall be:
    - (1) Be a Member of the Executive Committee;
    - (2) Be a conduit for informational flow between the State Party organizations in the respective Region and the Executive Committee;
    - (3) Provide all organizational help possible and practical to the State Party organizations in the respective Region when requested;
    - (4) Compile a list of qualified candidates for Committee Chairmen who have the ability, experience and knowledge for each Committee, for use by the National Chairman in making appointments.
    - (5) Compile a list of any special talents that have been identified within the state parties for potential service to the national party committee.
- Section 5. A Regional Representative may be removed by a two-thirds vote of the registered Members of the National Committee in that particular Region.
- Section 6. In the event of a vacancy in the position of Regional Representative, such vacancy shall be filled by a simple majority vote of the registered Members of the National Committee in that particular Region.
- Section 7. The duties of the Executive Committee shall include:

- a) maintaining and providing Delegate lists and National Committee Member lists,
  - b) maintaining and keeping all national books, records and lists of the Reform Party,
  - c) taking those actions appropriate and necessary to carry out the provisions of this Constitution, the Bylaws, and the proper directives of the National Committee and the National Convention, and
  - d) taking those actions appropriate or necessary to carry on the successful operation of the Reform Party.
- Section 8. The Executive Committee shall meet as necessary to conduct the required business of the National Party. Executive Committee meetings may be called upon action of the National Party Chair or upon action of any three Executive Committee Members. The Executive Committee may conduct a vote by mail.
  - Section 9. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service on the Executive Committee.
  - Section 10. A quorum of the Executive Committee shall be a majority of the Executive Committee Members.

#### ARTICLE VI Standing Committee General Provisions:

- Section 1. There shall be six Standing Committees of the National Committee. The six Standing Committees: Rules, Issues, Party Building, Finance, Public Relations and Communications.
- Section 2. The responsibilities of each Standing Committee shall be:
  - a) Rules  
The Rules Committee shall be responsible for: developing and proposing amendments to this Constitution; developing and proposing bylaws and other procedural rules, including amendments thereto, for the conduct of the national party; working with various State Party Organizations in development and adoption of their state party rules; other such duties as the Executive Committee may assign.
  - b) Issues  
The Issues Committee shall be responsible for: reviewing, developing and proposing platform and policy for adoption by the National Convention; developing and proposing amendments to the national party Statement of Principles; developing and implementing plans to educate voters regarding various issues; other such duties as the Executive Committee may assign.
  - c) Party Building  
The Party Building Committee shall be responsible for: developing and implementing strategies to build and maintain the party as a major national political party; working with the various State Party Organizations to build and maintain the party as a major political party within each state; other such duties as the Executive Committee may assign.
  - d) Finance  
The Finance Committee shall be responsible for: fundraising at the national level; developing and implementing budgets for national party operations; assisting the National Treasurer in the performance of assign duties; advising the various State Party Organizations regarding fundraising and other financial issues; other such duties as the Executive Committee may assign.
  - e) Public Relations  
The Public Relations Committee shall be responsible for: developing and implementing strategies for interfacing with the media and the public; developing media contacts nationwide; other such duties as the Executive Committee may assign.
  - f) Communications  
The Communications Committee shall be responsible for: developing and implementing plans to keep party members informed on various public and internal party issues; developing internal party communications links between the various committees and various State Party Organizations; other such duties as the Executive Committee may assign.

- Section 3. Each Standing Committee Chair shall be appointed by the National Chairperson. No person shall simultaneously hold more than one of the following positions: Standing Committee Chair, Standing Committee Vice Chair or National Officer. Standing Committee Chairs shall be subject to those provisions of this Constitution that apply to National Officers.
- Section 4. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service on a Standing Committee.
- Section 5. The members and any additional officers of each standing committee shall be appointed by the Chairperson of such Standing Committee. No more than one-fourth of the Members of a Standing Committee shall be members of the same State Party Organization.
- Section 6. Each Standing Committee shall be subject to the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
- Section 7. Each Standing Committee shall meet as necessary to conduct the required business of their Standing Committee. Standing Committee meetings may be called upon action of the Standing Committee Chair or upon action of one-fourth of the Standing Committee Members. Standing Committees may conduct business by mail, teleconference or other electronic media. Each Standing Committee may adopt such rules of operation as the Standing Committee Members deem necessary to conduct Committee business.
- Section 8. Each Standing Committee shall report to the Executive Committee. Each Standing Committee shall also report to the National Committee and to the National Convention.

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**ARTICLE VII**  
**Special Committees and Sub-Committees**

- **Section 1. Special Committees and Sub-Committees**
  - a) Special Committees may be established for specific purposes by action of the National Party Chair or by majority vote of the Executive Committee, National Committee or National Convention. The Chair of any Special Committee shall be appointed by the National Party Chair. Special Committees exist at the pleasure of the National Party Chair.
  - b) Sub-Committees to any existing Committee may be established for specific purposes by action of the parent Committee Chair. The Chair of any Sub-Committee shall be appointed by the parent Committee Chair. Sub-Committees exist at the pleasure of the parent Committee Chair.
  - c) The Members and any additional Officers of each Special Committee or Sub-Committee shall be appointed by the Chairperson of such Special Committee or Sub-Committee
- **Section 2. The responsibilities of each Special Committee or Sub-Committee shall be stated when establishing the Special Committee or Sub-Committee.**
- **Section 3. Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles shall be a condition of continuing service as a Member of any Special Committee or Sub-Committee.**
- **Section 4. Each Special Committee and Sub-Committee shall be subject to the Executive Committee, National Committee, the provisions of this Constitution, the provisions of the Bylaws and to the Resolutions and proper actions of the National Convention. Each Sub-Committee shall also be subject to its specific parent Committee.**
- **Section 5. A Special Committee or Sub-committee meeting shall be called upon the action of the Special Committee's or Sub-committee's Chairperson or upon the action of one-fourth of a Special Committee's or Sub-committee's members such as is provided in this Constitution and such as may be provided in the Bylaws. A Special Committee or Sub-committee may conduct a vote by mail such as is provided in this Constitution and such as may be provided in the Bylaws. Each Special Committee or Sub-committee may adopt such rules of operation as the Special Committee or Sub-committee Members deem necessary to conduct Committee business.**
- **Section 6. Each Special Committee shall report to the Executive Committee, the National Committee, and to the National Convention provided that the Special Committee, so reporting, is properly directed to do so. Each Sub-Committee shall report to its specific parent Committee.**

## ARTICLE VIII

### National Officer General Provisions

- **Section 1. The National Officers shall be the Chair, the Vice Chair, the Secretary, and the Treasurer. There may be a National Executive Director of the Party, who shall not be an Officer or Member of any Committee.**
- **Section 2. The National Officers shall have the following responsibilities:**
  - a) The National Party Chair shall preside over meetings of the Executive Committee, National Committee and National Convention and act on behalf of the Party to carry out the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution.
  - b) The National Party Vice Chair shall assist the National Party Chair in the operation of the Party and serve as National Party Chair in the absence of the National Party Chair.
  - c) The National Secretary shall: have custody of the official copy of this Constitution, the bylaws and any other rules adopted by the party; attend all meetings and record the proceedings of such meetings including, at a minimum, all actions taken by the Executive Committee, the National Committee and the National Convention; maintain the records (except financial) of the National Party; provide official notice of all meetings of the Executive

Committee, the National Committee and the National Convention; perform other duties as may be assigned by the Executive Committee.

d) The National Treasurer shall: have custody of the Party funds and shall keep full and accurate records thereof in books belonging to the Party; deposit all monies and other valuable effects to the name and to the credit of the Party in such depositories as may be designated by the Executive Committee; prepare and file required federal reports; disburse funds in accordance with the resolutions of the Executive Committee, the National Committee and the National Convention subject to the provisions of this Constitution; report on the financial status of the Party at each meeting of the Executive Committee, the National Committee and the National Convention.

- **Section 3.** Each National Officers shall be elected by majority vote of the registered Delegates at the National Convention. Each National Officer shall be elected by written ballot. National Officers shall be Party Members but need not be National Committee Members or National Committee Delegates to be eligible for election as a National Officer. Nominations shall be accepted from the floor when made by any registered Delegate. National Officer elections shall be held in each odd numbered year.
- **Section 4.** Each National Officer's term of office shall be two years. Each National Officer's term shall begin on the first day of January in each even numbered calendar year. No National Officer shall serve in the same National Office for more than three consecutive terms. No person shall serve as a National Officer for more than six consecutive terms.
- **Section 5.** Affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States, the Reform Party national platform and the Reform Party Statement of Principles shall be a condition of continuing service as a National Officer.
- **Section 6.** A National Officer may be removed by:
  - a) a two-thirds roll call vote of the registered Members of the National Committee, or
  - b) a majority vote of the registered Delegates of the National Convention.
- **Section 7.** National Officer vacancies shall be filled by majority vote of the registered Delegates of the National Convention. National Officer vacancies may be temporarily filled by majority vote of the registered Members of the National Committee. A person filling such vacancy must meet the qualifications for eligibility for election as a National Officer. Such a person, so elected, shall be seated until such time as the Office is filled by majority vote of the registered Delegates of the National Convention subject to the provisions of Section 3 of this Article.
- **Section 8.** The Reform Party Chairperson shall be ex-officio a member of all Reform Party committees except the Nominations Committee.
- **Section 9.** Each National Officer shall be subject to the proper directives and actions of the Executive Committee, the proper directives and actions of the National Committee, the provisions of this Constitution, the provisions of the Bylaws and the Resolutions and proper actions of the National Convention.
- **Section 10.** Each National Officer shall report to the Executive Committee, the National Committee, and the National Convention.
- **Section 11.** Upon resolution adopted by a majority of the registered Members of the National Committee authorizing the expenditure of such funds, the National Chair shall have the authority to name any Party Member to fill the position of National Executive Director upon confirmation by a majority vote of the Executive Committee.
  - a) The National Executive Director shall not be a Party Officer or Member of any Committee and shall report directly to the National Chair.
  - b) The National Executive Director shall be responsible, at the direction of the National Chair, for the day-to-day activities of the Party, subject to the provisions of this Constitution, the bylaws, the Resolutions and actions of the National Convention, and the proper directives of the National Committee and the Executive Committee.

c) The National Executive Director may be removed from the position by two-thirds vote of the Executive Committee.

## ARTICLE IX State Party Organizations

- Section 1. A State Party Organization shall be responsible for conducting all Reform Party state level business and affairs in its constituent state democratically and for providing for the successful operation of a major state political party which is in keeping with the Principles and Object of the Reform Party of the United States of America, the provisions of this Constitution and the provisions of the Bylaws. This major state political organization which is operated by the State Party Organization is not obligated to use the name of the national party.
- Section 2. Recognition shall be granted to no more than one State Party Organization in each state or territory of the United States of America.
- Section 3. A State Party Organization may be granted Official Recognition by a majority vote of the registered Delegates of the National Convention. A State Party Organization may be granted Provisional Recognition by a two-thirds vote of the registered Members of the National Committee.
- Section 4. Official Recognition of a State Party Organization shall continue until such time as such recognition is removed. Provisional Recognition of a State Party Organization shall continue until such time as such recognition is removed or until the next National Convention.
- Section 5. The conditions of continuing Official Recognition and the conditions of continuing Provisional Recognition shall be affirmative support of the Reform Party Object, the Reform Party endorsed candidates for President and Vice President of the United States and the Reform Party Statement of Principles.
- Section 6. Removal or Suspension of Official Recognition of a State Party Organization and removal or expiration of Provisional Recognition of a State Party Organization shall be such that:
  - a) Official Recognition of a State Party Organization may be removed by a two-thirds vote of the registered Delegates of the National Convention.
  - b) Official Recognition of a State Party Organization may be suspended by a two-thirds vote of the registered Delegates of the National Convention. Such suspension shall not exceed a period of six calendar months. Such suspension shall be imposed by means of a Resolution of the National Convention. Such a Resolution shall:
    - (1) specify the conditions under which the suspension shall be lifted,
    - (2) specify the end date of the suspension time period,
    - (3) specify the manner in which the fulfillment of such conditions shall be verified, and
    - (4) shall be subject to the provisions of this Constitution and subject to the provisions of the Bylaws.
  - c) The votes of National Committee Members and the votes of Delegates who are Members of a State Party Organization which is so suspended shall not be counted.
  - d) A State Party Organization which is so suspended and which fails to fulfill the conditions to lift such suspension shall automatically and immediately forfeit its Official Recognition upon the end date of such suspension.
  - e) Provisional Recognition of a State Party Organization may be removed by majority vote of the registered Members of the National Committee.
  - f) Provisional recognition of a State Party Organization shall automatically and immediately expire upon adjournment of the session of the National Convention which follows the date such Provisional Recognition was granted.
- Section 7. Each State Party Organization which has been granted Official Recognition or Provisional Recognition and each organization which requests Official Recognition or Provisional Recognition shall:
  - a) provide the Executive Committee with true, current and complete copies of its Constitution,

- Bylaws and/or Rules and copies of all legally required state and federal reports.
- b) provide the Executive Committee with any such additional information the Executive Committee similarly requests of all State Party Organizations or organizations.
- c) pay dues, fees and assessments such as is provided in this Constitution and such as may be provided in the Bylaws.
- Section 8. A State Party Organization which has been granted Official Recognition or Provisional Recognition shall be eligible to receive all the Delegate seats which are available to be allocated to the State Party Organization so recognized. A State Party Organization and the members of such State Party Organization so recognized shall be eligible to participate without restriction in the national affairs of the Reform Party including all sessions of the National Convention and all national committees subject to the provisions of this Constitution, subject to the provisions of the Bylaws and Section 6 of this Article except that:
    - a) a Member of a State Party Organization which has been granted Provisional Recognition shall not be eligible to be elected as a National Officer.
    - b) each Delegate or National Committee Member of a State Party Organization which has been granted Provisional Recognition shall not be entitled to vote on questions pertaining to Official Recognition or Provisional Recognition of his or her own State Party Organization.
  - Section 9. State Party Organizations shall be subject to the laws of the State in which the State Party Organization is organized, the provisions of this Constitution, the provisions of the Bylaws, the proper directives of the National Officers, the proper directives of the Executive Committee, the proper directives of the National Committee and the Resolutions and proper actions of the National Convention.
  - Section 10. A State Party Organization shall, as a condition of continuing recognition, have no less than one-fourth of its registered Delegates in attendance at each session of the National Convention. A State Party Organization shall allow none of its National Committee seats to remain vacant for more than sixty days from the effective date of a written resignation, removal from position or second absence from a National Committee Meeting if such absences have not been excused by the Executive Committee.
  - Section 11. Individual Reform Party Member participation rights shall be such that:
    - a) In a state which has no State Party Organization such as is provided for in this Constitution, a person who identifies himself or herself as a Reform Party member shall have no Reform Party participatory rights except such rights as are accorded to any other citizen.
    - b) In a state which has an Officially Recognized or Provisionally Recognized State Party Organization, a person who identifies himself or herself as a Reform Party Member but does not also identify himself or herself as a member of his or her state's State Party Organization shall have no participatory rights except such rights as are accorded to any other citizen.
    - c) Citizens of states which have no State Party Organization who express an interest in establishing a State Party Organization in their state shall be listed by the Executive Committee. Such a list shall be provided to other similarly interested citizens of such state upon the request of such citizens until such time as a State Party Organization is established in such state.

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## ARTICLE X

### General Provisions

- Section 1. All financial reports and all budget reports, given or approved by any Reform Party Committee or any Reform Party Officer, shall be prepared in keeping with the Generally Accepted Accounting Principles as are established by the Financial Standards and Accounting Board.
- Section 2. No dues, fees, financial assessments, administrative fees, subscription fees or member fees shall be implemented or required which are not specifically provided for in this Constitution or the Bylaws.
- Section 3. No Reform Party Officer shall be compensated for services rendered to the Reform

Party except for reimbursement of legitimate personal expenses incurred in the performance of one's official Reform Party duties.

- Section 4. The minutes of all Reform Party meetings shall be available upon request.
- Section 5. There shall be no proxy voting or voting by proxy.
- Section 6. Definitions of certain words used in this Constitution shall be such that:
  - a) The words "Party" and "Reform Party" shall mean the Reform Party of the United States of America.
  - b) The words "Reform Party Member" and "Member" shall mean any person eligible to vote in the next election of the President of the United States who identifies himself or herself as a member of the recognized State Party Organization in his state of residence and meets such requirements as provided in the Rules of their State Party Organization.
  - c) The words "State Party Organization" shall mean an organized body of citizens which has been granted Official Recognition or Provisional Recognition such as is provided in this Constitution and such as may be provided in the Bylaws. The recognized Party Organization in the District of Columbia shall also be identified as a "State Party Organization" with one (1) Congressional District. U.S. Territories and Possessions establishing Party Organizations shall each, upon recognition, also be identified as a "State Party Organization" with one National Committee Member and one Congressional District Delegate for a total of two National Convention Delegates.
  - d) The words "mail", "by mail" or "mailed to" shall mean delivery of a written document or documents via the First Class Mail service of the United States Postal Service or delivery of written documents via a delivery service that is as reliable or more reliable and that is as fast or faster than that of the First Class Mail service of the United States Postal Service.
  - e) The words "vote by mail" shall include fax or other electronic means such as email provided the response can be reliably verified as originating from the qualified voting individual.
  - f) The words "proper" or "property" shall mean in keeping with all applicable provisions of this Constitution, in keeping with all applicable provisions of the Bylaws and in keeping with all applicable provisions of the rules of State Party Organizations.
  - g) The word "meeting" shall also include teleconferences, video conferences, computer conferences or other electronic means allowing for direct interaction by the qualified participants and for which official minutes are taken or a transcript is made documenting the participants and any actions taken.
- Section 7. No person shall hold any position provided for in this Constitution who is not a Member of a Recognized State Party Organization.
- Section 8. Honorary titles or positions may be conferred upon individuals by Resolution of the National Convention.
- Section 9. The publication and distribution of this Constitution and the Bylaws shall be such that:
  - a) This Constitution and the Bylaws shall be published and distributed in writing in the format and type style herein indicated or in other such formats and type styles as may be provided by proper action of the Executive Committee.
  - b) When distributed, the Bylaws shall be attached to this Constitution and this Constitution, the Bylaws and any amendments thereto shall be bound together in their entirety under a cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."
  - c) A title page and a table of contents for this Constitution and a title page and a table of contents for the Bylaws may be included under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America." Such title pages and such tables of contents shall not be deemed part of this Constitution and shall not be deemed part of the Bylaws. Such title pages shall indicate the effective dates of this Constitution, the Bylaws and any amendments thereto.
  - d) The pages of this Constitution, the pages of the Bylaws and the pages of any amendments thereto may be numbered. Such page numbering shall not be deemed as part of the text of this Constitution, the Bylaws or any amendments thereto.

e) Any amendments to this Constitution shall be attached to the final page of this Constitution and any amendments to the Bylaws shall be attached to the final page of the Bylaws until such time as the Executive Committee provides for the publication of this Constitution and/or the publication of the Bylaws as amended.

f) There shall be no introductory information, preface, reader's guide, letters by National Officers or any other such information pertaining to this Constitution and pertaining to the Bylaws distributed under the cover entitled "The Constitution and Bylaws of the Reform Party of the United States of America."

- Section 10. The provisions of this Constitution and the provisions of the Bylaws shall be deemed severable and separately enforceable. Should any Article, Section, sub-section or provision of this Constitution or of the Bylaws be invalidated or declared void, all other provisions of this Constitution and all other provisions of the Bylaws shall remain in full force and effect.
- Section 11. The interpretation, meaning and effect to be given the provisions of this Constitution and to be given the provisions of the Bylaws shall not be inconsistent with federal law.

**ARTICLE XI  
Bylaws**

- Section 1. There may be Reform Party Bylaws. The Bylaws shall be such that:
  - a) The provisions of the Bylaws shall be subject to the provisions of this Constitution. In a case such that a provision or provisions of the Bylaws are in conflict with a provision or provisions of this Constitution, the provision or provisions of this Constitution shall prevail and the provision or provisions of the Bylaws which so conflict shall be deemed null and void.
  - b) The Bylaws shall be consistent with the Principles and Object of the Reform Party and consistent with the provisions of this Constitution.
  - c) The Bylaws shall have Articles and Sections which are similar in form, number, title and topic to the Articles and Sections of this Constitution. The Bylaws may contain additional Articles and additional Sections to address topics not addressed in this Constitution.

**resolutions**

**ARTICLE XII  
Parliamentary Authority**

- The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern this convention in all cases to which they are applicable and are not inconsistent with any Rules, Bylaws, Constitution or resolutions adopted by the National Convention or National Committee.

**ARTICLE XIII  
Amendment**

- This Constitution may be amended by a two-thirds vote of the National Convention provided that thirty (30) days previous notice and a precise written copy of the motion to amend this Constitution, such motion may not be amended, is provided to each registered Delegate.

E

DECLARATION OF GERALD M. MOAN

I, Gerald M. Moan, declare and state as follows:

1. Pursuant to the Reform Party Constitution, a National Committee meeting may be called by the National Party Chair or by action of one-fourth of all National Committee members. More than 30 days prior to the Reform Party's Nominating Convention held in Long Beach, California, more than one-fourth of the National Committee members called for a National Committee meeting to be held in Long Beach on August 8, 2000. Pursuant to proper notification, the National Committee meeting was convened at 10:00 on August 8, 2000 at the Westin Hotel in Long Beach. In his sworn statements, Mr. Mangia does not dispute that the National Committee meeting was properly called.

2. As National Party Chairman, I called the meeting to order and seated as National Committee members all persons who had been certified (as of August 2, 2000) as National Committee members on the then-official Reform Party website by then Secretary Mangia. Approximately 160 National Committee members were seated.

3. After the National Committee members were seated, Mr. Mangia stated that approximately 120 members were challenged even though he himself had certified the list of National Committee members only days before the Long Beach meeting. This assertion of challenge to the seating and certification of National Committee members was made without documentation or verification. Although a state-by-state roll was taken, Mr. Mangia asserted that anyone who was challenged could not be counted, and he declared that there was not a quorum because there were only approximately 40 delegates in attendance who had not been

challenged. I refused to accept Mr. Mangia's absurd position, and the approximately 160 National Committee members voted overwhelmingly to uphold my ruling that a quorum of the National Committee members were present.

4. At the same meeting, I later ruled that every delegate could vote on any challenge to the verification and seating of National Committee members, as long as the challenge did not involve their respective state members. Again, the 160 members of the National Committee overwhelmingly upheld my ruling on this issue.

5. Unhappy with these rulings of the Chair and the National Committee, Mr. Mangia, and the 22 National Committee members who supported him left the room.

6. The meeting proceeded to hear challenges from the floor. The National Committee resolved all of those challenges, thereby ending the credentialing process of the National Committee. The National Committee Meeting was then opened for substantive business. Included in the business portion of the meeting was a resolution by the National Committee members that all resolutions of the Executive Committee dated from July 5, 2000 until the meeting of the National Committee, including the July 29, 2000 resolutions of the Executive Committee (one of which attempted to invalidate the candidacy of Patrick J. Buchanan), were void *ab initio*.

7. The Nominating Convention opened on Thursday, August 10, 2000. While the Reform Party administrative staff was in the process of issuing credentials to delegates, the main convention meeting room was not yet opened. Mr. Mangia and others attempted to force their way into the locked room, which attempt was stopped by Convention Center security and members of the Long Beach Police Department. After that, supporters of Mr. Hagelin staged

another demonstration, which was again controlled by Convention Center security and the Long Beach police department. The Hagelin supporters then left the Convention Center.

8. I called the Nominating Convention to order. The National Convention heard and resolved all challenges to the credentialing for the Convention. The Hagelin supporters never made any attempt to attend the Convention or to be heard on any challenges to the credentialing process or the seating of delegates. Thereafter, the Convention was open for substantive business without any further attempt at participation by the Hagelin supporters who thereby waived their right to challenge any of the ruling of the National Convention.

9. Prior to the Nominating Convention, Reform Party members participated in a mail-in nominating procedure. As the supreme governing body of the Reform Party, and pursuant to a motion made by the requisite number of the State Delegations, the Convention, which I chaired, voted by more than a two-thirds vote of the delegates to disregard the results of the mail-in procedure, and instead nominated Patrick J. Buchanan as the Presidential candidate by a roll call vote of the Convention delegates. Ezola Foster was nominated as the Party's Vice-Presidential candidate.

10. Pursuant to the Constitution, the National Convention also elected its National Officers: Gerald Moan as Chairman; Frank Reed as Vice Chairman; Philip Alexander as Secretary; and Thomas McLaughlin as Treasurer. James Mangia was recalled as the Secretary.

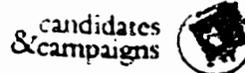
11. Upon information and belief, Mr. Mangia, Mr. Hagelin and others acting in concert with him, gathered across the street from the Reform Party Nominating Convention.

12. During the course of this gathering, the participants obtained the mail-in ballots which resulted from the mail-in nominating process. The gathering proceeded to count the mail-in votes, and Patrick J. Buchanan won by a margin of approximately 2 to 1. Upon information and belief, unhappy with that result, the gathering simply invalidated every Buchanan vote, and declared Mr. Hagelin the winner of the mail-in voting, and purported to nominate Mr. Hagelin as "Reform Party" Presidential candidate.

I declare and affirm that the foregoing is true and correct under penalty of perjury.

Dated: September 5, 2000

Gerald M. Moan  
Gerald M. Moan



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**Rules for the Selection of Reform Party of the United States Nominees for President and Vice-President of the United States**

Approved at the Atlanta Convention September 25 - 27, 1998  
Revision: July 23, 1999 Dearborn, MI.

**Section I. General Provisions and Definitions**

- Section 1. General Provisions and Definitions
- Section 2. Authorized Committees
- Section 3. Qualifying for the Reform Party Presidential Primary
- Section 4. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee
- Section 5. Selection of the Reform Party Vice-Presidential Nominee
- Section 6. Appeals

- Overview
- History - F.A.Q.
- Becoming a Candidate
- General overview of ballot status

(1) These rules shall govern the selection process for the Reform Party of the United States in nominating its candidates for President and Vice-President of the United States to the extent that they are not inconsistent with the Constitution of the Reform Party of the United States.

(2) These rules may be amended under the following provisions:  
(a) These rules may be amended by majority vote of the National Convention.  
(b) These rules may be amended by two-thirds (2/3) vote of the National Committee.  
(c) Notwithstanding provisions 1-(2)(a) and 1-(2)(b) above, these rules may not be amended in the presidential election year.

(3) For purposes of these rules, the following definitions shall be used:  
(a) "Ballot access" shall mean that no substantial barriers exist for the Party to place the nominees of the Party for President and Vice-President of the United States on a given state's general election ballot.

- (b) "Executive Committee" shall mean the Executive Committee of the Reform Party of the United States.
- (c) "National Committee" shall mean the National Committee of the Reform Party of the United States.
- (d) "National Convention" shall mean the National Convention of the Reform Party of the United States.
- (e) "Party" shall mean the Reform Party of the United States.
- (f) "Presidential election year" shall mean the calendar year in which the November general election for President of the United States is held.
- (g) "Primary" shall mean the Reform Party Presidential Primary as described in Section IV of these rules.
- (h) "Primary Candidate" shall mean a candidate who has qualified for the Reform Party Presidential Primary in accordance with Section III of these rules.
- (i) "State Delegation" shall mean the Delegates of the National Convention from a given state that represent a State Party, as defined by 1-(3)(j).
- (j) "State Party" shall mean an Affiliated State Party or an Affiliated State Party Organization recognized by the Reform Party of the United States in accordance with the Constitution of the Reform Party of the United States.

(4) The nominees of the Party for President and Vice-President of the United States shall be allowed to address the National Convention for forty-five (45) minutes each in order to accept their respective nominations.

(5) The Presidential Nominations Committee shall establish a common digital format for electronic data that will be used within the Reform Party Presidential Nomination Process. The Presidential Nominations Committee shall make this common digital format known no later than December 20 of the year immediately preceding the presidential election year.

(6) Each State Party shall submit to the Presidential Nominations Committee an electronic copy of the names and addresses of the registered voters who are members of the given State Party and voters contacting the State Party specifically requesting to participate in the Reform Party Presidential Primary. The electronic copies must be in the authorized common digital format as proscribed for in 1-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

**Section II. Authorized Committees**

(1) Not later than July 1 of the year immediately preceding the presidential election year, the Executive Committee shall establish a Convention Committee to oversee the functions relating to the meeting of the National Convention in the presidential election year. The activities and decisions of the Convention Committee shall be reported to the Executive Committee.

(2) Not later than July 1 of the year immediately preceding the presidential election year, the National Committee shall establish a Presidential Nominations Committee to regulate the presidential nomination process held in the presidential election year in accordance with these rules. The Presidential Nominations Committee shall have the authority to establish regulations and take such actions as are necessary to implement these rules. The activities and decisions of the Presidential Nominations Committee shall be reported to the Executive Committee. Changes in the membership and size of the Presidential Nominations Committee shall be by unanimous vote of the Presidential Nominations Committee.

(3) The officers of the Party shall be ex-officio members of the Convention Committee and the Presidential Nominations Committee.

(4) The Convention Committee and the Presidential Nominations Committee shall have the authority to establish subcommittees to perform their respective functions as they deem appropriate.

(5) No individual may serve as a member of the Convention Committee or the Presidential Nominations Committee who publicly supports or opposes any individual or candidate for the nomination of the Party for President or Vice-President of the United States.

**Section III. Qualifying for the Reform Party Presidential Primary**

(1) The Executive Committee shall compile a list of states for which the Party does not have ballot access in the presidential election year. This list shall be made available no later than July 1 of the year immediately preceding the presidential election year. The Presidential Nominations Committee shall have the authority to remove a state from the list by unanimous vote.

(2) To qualify for the Primary, candidates shall be required to qualify for the ballot as an independent candidate for President of the United States in states contained in the list compiled in accordance with III-(1).

(3) In order for a candidate to be considered to have qualified for the ballot as an independent candidate for President under these rules, evidence must be provided to the Presidential Nominations Committee that the candidate has either:

- (a) been certified by a given state to have the candidate's name placed on the general election ballot as an independent candidate for President, or
- (b) fulfilled a significant portion of the requirements to have the candidate's name placed on the general election ballot as an independent candidate for President in states where the date for certification falls after July 1.

The Presidential Nominations Committee shall specify the exact requirements for each state which fall under III-(3)(b) no later than November 1 of the year immediately preceding the presidential election year and such requirements shall be approved by unanimous vote. If a unanimous vote is not achieved for such requirements, the requirements shall be set to zero.

(4) Any candidate may submit to the Presidential Nominations Committee an electronic copy of the names and addresses of registered voters who have signed petitions either to be included in the Primary or to qualify the candidate for the ballot in accordance with III-(3). The electronic copies must be in the authorized common digital format as proscribed for in I-(5). The deadline for the submission of this electronic list shall be July 1 of the presidential election year.

(5) A candidate is considered to have qualified for the Primary if the candidate has qualified for the ballot as an independent candidate for President in accordance with III-(3) in states which comprise at least a majority of electoral votes from all states contained in the list compiled in accordance with III-(1). The Presidential Nominations Committee shall announce the candidates who have qualified for the Primary on July 2 of the presidential election year.

(6) Two or more candidates may enter into a compact stating that if one candidate of the compact receives the nomination, the other candidates of the compact agree to substitute the name of the nominee on all ballot lines within the compact. The Presidential Nominations Committee shall have the authority to consider one candidate within the compact qualifying for the ballot in accordance

with III-(3) as all candidates within the compact qualifying for the ballot.

#### **Section IV. The Reform Party Presidential Primary and Selection of the Reform Party Presidential Nominee**

- (1) The Reform Party Presidential Primary shall be held between July 4 of the presidential election year and the meeting of the National Convention in the presidential election year.
- (2) A primary ballot shall be distributed to the following registered voters of the United States:
  - (a) voters who are members of State Parties as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6).
  - (b) voters signing petitions submitted by candidates in accordance with III-(4)
  - (c) voters contacting the various State Parties specifically requesting to participate in the Reform Party Presidential Primary as identified by lists provided to the Presidential Nominations Committee in accordance with I-(6). The Presidential Nominations Committee shall take such actions in order that no individual receives more than one primary ballot.
- (3) Each candidate who is considered to have qualified for the Primary shall be considered a Primary Candidate.
- (4) The names of the Primary Candidates on the primary ballot shall appear in a random order as determined by the Presidential Nominations Committee. The random determination of the order of the names shall be open and representatives for each Primary Candidate shall be allowed to observe.
- (5) The primary ballot shall consist of:
  - (a) the names of Primary Candidates in accordance with IV-(4)
  - (b) columns labeled "First Choice", "Second Choice", and "Third Choice" next to each of the Primary Candidates' names
  - (c) an identification number for the ballot
    - (1) The identification number shall be used within the Reform Party Presidential Nomination Process solely to determine the validity or invalidity of the cast ballot and to determine the state of residence of the voter casting the ballot.
    - (2) No efforts shall be made to use the identification numbers to identify or record how certain individuals voted within the Primary.
- (6) The Presidential Nominations Committee shall construct the primary ballot in such a manner as to provide an efficient manner of tallying the votes cast in accordance with these rules.
- (7) For a vote to be considered valid within the Primary, the vote must be received by the Presidential Nominations Committee:
  - (a) prior to the start of the Reform Party National Convention, and
  - (b) in person, by mail, by phone, or by internet in a manner proscribed by the Presidential Nominations Committee in accordance with these rules.
- (8) Votes within the Primary shall be recorded as follows:
  - (a) Primary votes cast with a valid identification number shall be recorded.
  - (b) Primary votes cast without a valid identification number or with an invalid identification number shall not be recorded.
  - (c) From the total number of recorded votes, the number of votes from each state shall be recorded.
  - (d) Within the recording of votes from each state, the number of votes cast for each Primary Candidate as "First Choice" shall be recorded.
  - (e) Within the recording of votes for each Primary Candidate as "First Choice", the number of votes cast for each Primary Candidate as "Second Choice" shall be recorded.
  - (f) Within the recording of votes for each Primary Candidate as "Second Choice", the number of votes cast for each Primary Candidate as "Third Choice" shall be recorded.
- (9) The votes cast for each Primary Candidate from a given state in a given round of voting shall be determined as follows:
  - (a) In the first round of voting, each Primary Candidate shall receive all votes recorded for the given Primary Candidate as "First Choice".
  - (b) If the current round of voting is a runoff round, the Primary Candidate receiving the lowest number of votes in the previous round is eliminated from the runoff.
  - (c) In runoff rounds of voting, each remaining Primary Candidate shall receive all votes recorded for the given Primary Candidate as the highest choice among the remaining Primary Candidates. For purposes of this section, "First Choice" is considered a higher choice than "Second Choice" and "Third Choice", and "Second Choice" is considered a higher choice than "Third Choice".
  - (d) All votes recorded in which none of the Primary Candidates in the current round of voting are

selected as "choices" shall not be counted towards calculating the majority of the votes cast.

(10) Results of the Primary shall be announced during the Reform Party National Convention at a time set by the approved agenda of the Convention as follows unless the Primary is overridden in accordance with IV-(11):

- (a) Representatives from each State Party shall announce from the floor of the Convention the number of primary votes cast from their state for each Primary Candidate as provided by the Presidential Nominations Committee in accordance with IV-(9). If a discrepancy arises between the number of votes announced and the number of votes cast by the Presidential Nominations Committee, the number of votes cast shall take precedence.
- (b) If no Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that a runoff shall take place in accordance with these rules. The results of the next round of voting shall be announced as proscribed in IV-(9)(a) no earlier than thirty (30) minutes following the announcement of the runoff.
- (c) If a Primary Candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the Primary Candidate receiving at least a majority of the votes cast in the Primary is the nominee of the Party for President of the United States.

(11) The process of selecting the nominee of the Party for President of the United States by the Primary shall be overridden only as provided for in this section.

- (a) A motion to override the Primary shall be considered in order if either of the following conditions are met:
  - (1) the Secretary of the Party has received certified resolutions from the governing bodies of at least a majority of State Parties making such a motion to override.
  - (2) the Chair of the Convention has received resolutions from at least a majority of the State Delegations making such a motion to override. A motion to override the Primary shall be considered out of order if neither IV-(11)(a)(1) nor IV-(11)(a)(2) are met. A motion to override the Primary may not be reconsidered.
- (b) The Primary shall be overridden if the motion to override is approved by a two-thirds (2/3) vote of the National Convention.
- (c) If the Primary is overridden, the selection of the Party's nominee for President of the United States shall be conducted in accordance with the rules for selecting the Party's nominee for Vice-President of the United States.

(12) Each Primary Candidate shall be allowed to address the National Convention for a period not to exceed thirty (30) minutes.

(13) Each Primary Candidate shall be allowed to provide a photograph and a five-hundred (500) word statement for inclusion within the primary ballot. The photograph and statement shall be received by the Presidential Nominations Committee no later than July 1 of the presidential election year.

(14) In the case of a tie, the breaking of the tie shall be determined by the National Convention.

#### **Section V. Selection of the Reform Party Vice-Presidential Nominee**

(1) The selection of the Party's nominee for Vice-President of the United States shall be conducted during the Reform Party National Convention at a time no earlier than eight (8) hours following the nomination of the Party nominee's for President of the United States. The Party nominee's for Vice-President of the United States shall be selected by the National Convention.

(2) Nominations for Vice-President shall be taken on the floor from Delegates of the National Convention and shall require a second.

(3) In each round of voting, the Convention Chair shall call the roll of the states. Upon the announcement of a state, a Delegate from that state delegation shall announce the number of Delegate votes for each of the candidates for Vice-President.

(4) If no candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce a runoff. If a runoff is announced, the Vice-Presidential candidate with the lowest number of votes is removed from the next round of voting.

(5) If a candidate receives at least a majority of the votes cast in any round of voting, the Convention Chair shall announce that the candidate receiving at least a majority of the votes cast is the nominee of the Party for Vice-President of the United States.

#### **Section VI. Appeals**

(1) A candidate may appeal a decision of the Presidential Nominations Committee to the Executive Committee if five (5) members of the Executive Committee agree to hear such an appeal. If five (5) members of the Executive Committee do not agree to hear such an appeal within twenty (20) days of the initial presentation of the appeal, the appeal shall be considered rejected.

(2) Any appeal must be in writing and shall be limited to the contents of the appeal.

(3) Upon agreeing to hear an appeal, the Executive Committee shall take such necessary action to resolve any appeal which does not violate these rules, the Constitution of the Party, or federal law.

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Minutes of Presidential Nominations Committee meeting . July 28, 2000

89 F.Supp.2d 751  
(Cite as: 89 F.Supp.2d 751)

Page 1

United States District Court,  
W.D. Virginia,  
Lynchburg Division.

**REFORM PARTY OF THE UNITED STATES OF  
America, et. al., Plaintiffs,**

v.

**John J. GARGAN, et. al., Defendants.  
Reform Party of the United States Of America,  
et. al., Plaintiffs,**

v.

**Russell J. Verney, et. al., Defendants.**

Nos. 6:00CV00014, 6:00CV50012.

March 27, 2000.

Ousted chair and treasurer of national political party sued party, challenging validity of procedure by which chair and treasurer were removed from their positions. Replacements sued to enjoin claimants from interfering with their conduct of party affairs. The District Court, Moon, J., held that: (1) meeting of national committee of party, at which decision to oust chair and treasurer was made, was validly called; (2) notice given was adequate, despite noncompliance with resolution that agenda be presented 30 days in advance of meeting; (3) ousted chair acted improperly by refusing to call meeting to order; and (4) delegates to meeting were properly credentialed.

Order accordingly.

#### West Headnotes

[1] **Parliamentary Law** ¶1  
286k1

Courts do not generally concern themselves with question whether group has followed parliamentary rules in holding meetings.

[2] **Elections** ¶121(1)  
144k121(1)

Meeting of national committee of political party was validly called, pursuant to party's constitution, when requested by one-fourth of members of committee, even though later meeting of executive committee which also called for meeting was allegedly not legally constituted.

[3] **Elections** ¶121(1)  
144k121(1)

Members of national committee of political party were given adequate notice of meeting, when notified by e-mail 30 days in advance with proposed agenda submitted two weeks prior to meeting, even though committee had passed resolution calling for publication of agenda 30 days prior to meeting.

[4] **Associations** ¶18  
41k18

Presiding officers of association cannot arbitrarily defeat the will of a body by refusing to entertain motions or permit expression of the majority's will.

[5] **Elections** ¶121(1)  
144k121(1)

Chair of national committee of political party improperly contravened will of majority of members present when he refused to call meeting to order, and was consequently absent from meeting despite his physical presence, allowing vice chair to call meeting to order.

[6] **Elections** ¶121(1)  
144k121(1)

In resolving dispute regarding credentials of delegates to political party convention, court is limited to determining whether rules and constitution of party were followed.

[7] **Elections** ¶121(2)  
144k121(2)

Delegates to meeting of national committee of political party were properly credentialed, in accordance with rules and constitution, and vote ousting national party chair and treasurer was consequently valid; claims of rival delegates from state were in some cases settled in advance of meeting, and in others were resolved by failure to oppose contested delegation.

752 Dale A. Cooser, Cooser, Mangold, Tompert & Wayson, P.L.L.C., Washington, DC, for Reform Party of the U.S., Russell J. Verney.

Tracey A. Lenox, Lenox, Biddinger & Conrad, PC.

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Woodbridge, VA, for John J. Gargan, Reform Party of the U.S.

Stephen E. Hershkowitz, Richard B. Bader, Robert W. Bonham, III, Federal Election Commission, Washington, DC, for Federal Election Com'n, amicus.

### OPINION

MOON District Judge.

John J. Gargan and Pat Choate each claim to be the Chair of the Reform Party of the United States of America (hereinafter "Reform Party" or "Party"). Gargan and his ally Ronn Young were elected National Party Chair and Treasurer, respectively, at a National Convention in Dearborn, Michigan in July, 1999 (hereinafter "Dearborn Convention"). Choate claims to be the National Party Chair by virtue of a vote of more than two-thirds of the Party's National Committee on February 12, 2000 in Nashville, Tennessee (hereinafter "Nashville Meeting"), which recalled Gargan and Young and elected Choate and Tom McLaughlin as Interim Party Chair and Treasurer, respectively. Young filed suit in the United States District Court for the Western District of Virginia, Harrisonburg Division, seeking among other things for the Court to order Russell Verney, Gerald Moan, and various other individuals aligned with Choate (hereinafter "Choate group") to cease interfering with the administration of Gargan and Young (hereinafter "Gargan group") in their operation of the Reform Party. The Choate group filed suit against the Gargan group in the United States District Court for the Western District of Virginia, Lynchburg Division, seeking \*753 among other things for the Court to enjoin the Gargan group from interfering with the Choate group's operations of the Reform Party.

On February 24, 2000, this Court, in the Lynchburg case, ordered the Gargan group to pay into the registry of the Court approximately \$2.5 million in federal money it had received from the Federal Election Commission (hereinafter "FEC" or "Commission") to be held preliminarily until a decision as to the rightful leadership of the Party could be determined at a trial to begin on March 22, 2000. On March 13, 2000, the Harrisonburg and Lynchburg cases were consolidated for trial. On March 16, 2000, this Court bifurcated the case for

trial purposes, ordering that only the issue of the rightful leadership of the Reform Party would be heard beginning on March 22 and postponing until a later date a trial (if necessary) on subsequent damages.

The essential question before this Court is whether the February 12, 2000 Nashville Meeting, purporting to be a meeting of the National Committee of the Reform Party at which Gargan and Young were recalled as officers, was a duly constituted meeting of the National Committee with the power to take such actions? The Gargan group maintains that the meeting was not a duly constituted meeting with authority to remove him as National Party Chair for the following reasons:

1. The Nashville Meeting was called as an invalid meeting of the Executive Committee.
2. The National Committee membership was not given proper notice of the meeting.
3. Gargan, the Chair who was present at the Nashville Meeting, refused to call the meeting to order, and
4. There were not enough properly credentialed National Committee members to remove Gargan and Young by a two-thirds vote of all registered members.

The Court concludes that the February 12, 2000 Nashville Meeting was called at the request of one-fourth of members of the National Committee, that reasonable notice was given of this meeting, that the meeting was properly called to order and presided over by the Party's Vice Chair, and that more than two-thirds of the registered members of the National Committee voted to recall Gargan and Young and to elect Choate and McLaughlin to succeed them as National Party Chair and Treasurer, respectively. Therefore, the February 12, 2000 Nashville Meeting was a duly constituted meeting of the Reform Party National Committee with authority to remove its officers and elect new ones.

### JURISDICTION

This Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 and federal question jurisdiction pursuant to 28 U.S.C. § 1331, in that this matter arises under the Federal Election Campaign Act of 1971, 2 U.S.C. § 431, et seq. Venue properly rests in this Court pursuant to 28 U.S.C. § 1391(a)(2) and (3).

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Convention in Long Beach, California rather than St. Paul, Minnesota. The convention site was chosen by a two-thirds majority vote of the eleven-member Executive Committee. However, the Long Beach site only received a passing two-thirds majority after two previous and unsuccessful votes. Also at that meeting, Young was unanimously appointed Chair and Treasurer (hereinafter "755 Chair/Treasurer") of the Party's 2000 Convention Committee, a special committee of the Reform Party formed to carry out the business of effectuating plans for the Reform Party's 2000 Presidential Nomination Convention (hereinafter "2000 Nominating Convention"). Under the Reform Party constitution, the chair of a special committee (such as the Convention Committee) shall be appointed by the National Party Chair. Art. VII, § 1(a).

10. By letter dated September 10, 1999, the Reform Party submitted an application statement to the FEC seeking federal funding for the Party's 2000 Nominating Convention. Vernsey, as the (lame-duck) National Party Chair, and Young, as Chair/Treasurer of the Convention Committee, also submitted a letter of agreements pursuant to 11 C.F.R. § 9008.3. On November 23, the FEC certified \$2,468,921 to the Secretary of the Treasury to be paid to the Reform Party 2000 Convention Committee pursuant to 26 U.S.C. § 9008(g) and 11 C.F.R. § 9008.6(d). The Party's Convention Committee received the funds on or about December 8 and deposited the money with First Citizens Bank in Martinsville, Virginia.

11. A National Committee meeting (conducted by mail ballot) was convened on November 29, 1999, at which the committee's members voted to hold the Party's 2000 Nominating Convention in St. Paul. However, the parties are in dispute as to whether a quorum existed at that meeting, and there is insufficient evidence in the record for this Court to make such a determination.

12. An Executive Committee meeting was held on December 16, 1999, at which concern was raised about the amount of time it was taking Young to sign a contract with the Long Beach Convention Center. The Executive Committee passed a motion that directed Young to sign a contract with Long Beach by December 23.

13. On December 28, 1999, the Executive

Committee determined that Young had not complied with their directive. While Young had signed a contract with the Long Beach Convention Center, he attached a letter which certain members of the committee believed undermined their dealings with Long Beach. In addition, Young sent to Long Beach a \$2,000 deposit when the Committee had agreed that \$12,000 was required. However, there was an addendum to the contract Young signed that held the Long Beach site open until January 10, 2000, so long as \$2,000 was deposited.

14. The Executive Committee voted to remove Young as Chair/Treasurer of the Convention Committee on December 28 and replaced him with Gerry Moan. In a letter dated December 30, 1999, Moan wrote to First Citizens Bank to inform them that he was the new Reform Party Convention Committee Chair/Treasurer. On the same date, Moan notified the FEC of the change in leadership of the Convention Committee.

15. On January 1, 2000, Gargan, Moan, Mangia, and Young assumed their positions as National Party Chair, Vice Chair, Secretary, and Treasurer, respectively. Immediately upon assuming the position of Chair, Gargan replaced Moan with Young as Convention Committee Chair/Treasurer. The Party's constitution provides that the Chair of a special committee (such as the Convention Committee) "shall be appointed by the National Party Chair." Art. VII, § 1(a). Moan received notice of Gargan's actions sometime during the first week of January, 2000. Despite his being removed as Chair/Treasurer of the Convention Committee and his acknowledged notice of his removal, Moan wrote a letter to the Long Beach Convention Center on January 11 notifying them that it was the intention of the majority of the members of the Party that the 2000 Nominating Convention be held in Long Beach.

16. An Executive Committee Meeting was held on January 9, 2000, at which the issue of the location of the Party's 2000 Nominating Convention arose. A heated debate ensued between certain members of the Executive Committee and Gargan "756 concerning the convention's proposed location. Gargan initially declared the November 29, 1999 vote of the National Committee to be valid and stated that he would direct Young to cancel the Party's contract with Long Beach. After much

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rancor, the Executive Committee voted on and unanimously approved an independent site selection committee as a compromise between Gargan and other members of the committee.

17. No later than January 13, 2000, National Secretary Mangia sent the following e-mail to all National Committee members:

I have received correspondence from more than 25% of National Committee members calling for an "in-person" meeting of the National Committee. According to the Reform Party Constitution this action requires that a meeting of the National Committee be set, to be held in person. I believe it is the responsibility of the Executive Committee to specify a time and place for the meeting.

A National Committee meeting may be called by the National Party Chair or by action of one-fourth of all National Committee members. Art. IV, § 6. Mangia had notice from more than one-fourth of National Committee members on or before January 13 requesting that a National Committee meeting be held.

18. In the meantime, a contract was signed with a convention center in St. Paul to host the Party's 2000 Nominating Convention. As a result, another Executive Committee meeting was held on January 18, 2000. After Moan called the meeting to order, Gargan stated that he believed the meeting was not legally constituted and left the call. [FN1] Young and DeBauche (a regional representative on the Executive Committee) also left the call. After the remaining committee members voted to proceed, Moan proposed to hold the National Committee meeting on February 12, 2000 in Nashville, Tennessee. The remaining Executive Committee members approved the motion by a vote of 6-1.

FN1. The January 18 Executive Committee meeting, like all of the other Executive Committee meetings referenced in this Opinion, was held via teleconference.

19. On January 19, 2000, Mangia mailed a call to National Committee members informing them that the Executive Committee had set the date and time of the Nashville National Committee meeting. The notice also included a proposed agenda for the Nashville Meeting, including the recall of Gargan, Moan, and Young.

20. Another Executive Committee meeting was held on February 2, 2000, at which a tentative agenda was unanimously approved for the Nashville Meeting. Gargan and Young were present at the meeting. In the meantime, Gargan issued a call for an emergency National Convention to be held in Las Vegas, Nevada from March 17-19, 2000 (hereinafter "Las Vegas Convention"). Gargan also sent two e-mails to National Committee members urging them not to amend the Nashville Meeting in order to deny it a quorum.

21. The day before the Nashville Meeting, Mangia formed an advisory committee of four people aligned with Gargan and four people aligned with Pat Choate to meet with him that night and review any challenges over the seating of National Committee members. Initially, eleven states were challenged. The challenged states were Alaska, Hawaii, Louisiana, Maryland, New Jersey, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming. In each case, the committee evaluated the evidence and voted on recommendations for each challenge.

22. In the cases of Virginia and Ohio, two separate and competing groups of representatives wished to be seated; in Virginia, neither group was seated whereas in Ohio both groups resolved their conflict internally. In the case of Alaska, Mangia received a letter from a group of Reform Party members who could not attend due to the recent Alaska Airlines crash. Another competing group of Party members \*757 from Alaska arrived instead. Mangia summarized the contents of the letter for the members in attendance at the Nashville Meeting, which ultimately voted to seat the Alaska representatives who had actually arrived. In the other eight states, the only challenge came from DeBauche within the advisory committee the night before the Nashville Meeting; there was neither a contest over which representatives from a given state were to be seated nor a challenge to their being seated at the Nashville Meeting itself. Representatives from the remaining eight states were all ultimately seated by the members in attendance at the meeting. All the representatives from the challenged states voted to recall both Gargan and Young.

23. The events that transpired immediately prior to the Nashville Meeting being convened can

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euphemistically be described as "boisterous." Gargan did not open the meeting but instead read a statement. When members in attendance requested that Gargan call the meeting to order, he stated that it was not a legal meeting and that he was not going to call it to order. Nevertheless, Gargan remained in the room at all times, though not always at the microphone. As Vice Chair, Moan then assumed the role of Acting Chair of the meeting and called the body to order. Subsequently, the National Committee passed a motion appointing Tom McLaughlin (who was considered to be more neutral than Moan) to be Acting Chair for the Nashville Meeting only. Votes were then held to remove Gargan, Moan, and Young.

24. The question arose about the meaning of the phrase "two-thirds roll call vote of the registered Members of the National Committee" as it relates to the removal of National Officers. Specifically, the question concerned whether the proper baseline was the 162 members at large (of whom two-thirds would be 108) or the 141 members actually in attendance at the Nashville Meeting (of whom two-thirds would be 94). The parliamentarian advised the Chair that the Party's constitution was ambiguous. The Chair ruled that the phrase meant at least 108 of the 162 at-large members. The Chair's ruling was objected to from the floor and upon advice of the parliamentarian the issue was submitted to the membership, which overruled the Chair by voting that the phrase meant two-thirds of the members registered at the meeting. The parliamentarian testified that this vote was in accord with the Party's constitution and Robert's Rules of Order.

25. The tally to remove both Gargan and Young was 109 votes in the affirmative, which is more than two-thirds of all members at large. [FN2] In addition, a separate vote was held in which Young was removed as Convention Committee Chair/Treasurer. Subsequently, Choate was elected to the position of Interim Chair and McLaughlin was elected to the position of Interim Treasurer. In addition, the National Committee reaffirmed Moan's December 28, 1999 appointment as Convention Committee Chair/Treasurer. Finally, the National Committee voted overwhelmingly not to hold the convention called by Gargan in Las Vegas and to ratify the Executive Committee's decision to hold the Party's 2000 Nominating Convention in Long Beach.

[FN2]. The vote to remove Moan was unsuccessful.

26. Gargan convened the Las Vegas Convention anyway, at which individuals were elected to the (theoretically vacant) positions of National Party Vice Chair and Secretary. The members of the Las Vegas Convention also elected to hold the Party's 2000 Nominating Convention in St. Paul. Finally, Gargan declared that twenty-five states had been constitutionally decertified for their failure to send the proper number of delegates to the Las Vegas Convention.

#### CONCLUSIONS OF LAW

[1] 27. Generally, courts do not concern themselves with whether parliamentary "758 rules are followed; instead, courts are concerned with whether the law of the land is followed. See 59 Am.Jur.2d Parliamentary Law § 4 (1987). Here, a parliamentarian who was employed to advise the Nashville Meeting and who was duly qualified as an expert testified without objection that the meeting was conducted according to the Party's constitution and Robert's Rules of Order. Keeping in mind the admonition above, we discuss the issues raised by the Gargan group.

**The Nashville Meeting Was Called at an Invalid Meeting of the Executive Committee**

[2] 28. The objection that the Nashville National Committee meeting was called by an invalid January 18, 2000 Executive Committee meeting is answered by the fact that the Nashville Meeting was called pursuant to the request of one-fourth of the members of the National Committee. Authority for this appears in the Party constitution, article IV, section 6. In his e-mail of January 13, 2000, National Secretary Mangia reported that he had the request for a meeting from one-fourth of the committee members and named the members. Therefore, the Nashville Meeting was not illegally called by the Executive Committee, since it was called prior to the January 18 Executive Committee meeting. Thus, this Court does not need to decide the validity of the January 18 Executive Committee meeting.

**The National Committee Membership Was Not Given Proper Notice of the Meeting**

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[3] 29. The Party constitution does not explicitly require that notice be provided in advance of a National Committee meeting. However, Robert's Rules of Order (and common sense) require, in the absence of a constitutional provision, that reasonable notice be given. Here, the Party membership was notified by e-mail on January 11, 2000—thirty days before the Nashville Meeting—that one-fourth of the National Committee members had requested a meeting. This was followed by the January 19th call, which included a proposed agenda listing the proposed recall of Gargan and Young. One hundred forty-one of the one hundred sixty-two National Committee members arrived at the meeting. Undoubtedly, there would have been more but for the fact that Gargan contacted the membership and urged them not to attend.

30. The National Committee had passed a resolution at its July Dearborn meeting stating that an agenda be published at least thirty days prior to a National Committee meeting. Thus, the question is whether failure to follow the resolution would invalidate an otherwise valid and constitutional meeting? There is no direct authority in either Robert's Rules of Order or the case law that specifically deals with this situation. Therefore, this Court must reach a conclusion from interpreting the language of the resolution and the Party's constitution.

31. The thirty-day agenda resolution did not require that there be thirty-days notice of a National Committee meeting, but merely that an agenda be published thirty days in advance of the meeting. Inferentially, if an agenda was published thirty days before the meeting there would also be a presumed notice of the meeting. Thus, the Gargan group maintains the rule is that thirty-days notice with an agenda must be sent before any National Committee meeting.

32. However, the plain language of the resolution did not provide that no meeting take place except on thirty-days notice and did not provide that no item of business be considered unless it was on an agenda sent thirty days before the meeting. If the committee meant that no meeting could be held or business be conducted except upon thirty-days notice, it could have said so directly. Moreover, since the resolution only referred to an agenda being published thirty days prior to the meeting, it is contemplated that the agenda requirement would apply to a

meeting that was already scheduled for at least thirty days. Thus, the language of the resolution leads this \*759 Court to conclude that it was not meant to be a binding notice requirement.

33. Logic also dictates that the resolution was not meant to require that notice be a binding prerequisite to holding a National Committee meeting. The Party's constitution does not specifically provide for an emergency meeting of the National Committee, although it does provide for an emergency meeting of the National Convention to be called by declaration from the Party Chair or by a majority vote of either the Executive or National Committees. See art. III, § 10(e)(1). Since a majority vote of the National Committee is one of three methods by which an emergency National Convention may be called, the constitution contemplates that emergency issues may initially be taken up by the National Committee. However, if thirty-days notice is required prior to the calling of a National Committee meeting, then the National Committee would functionally be precluded from calling a National Convention on an emergency basis. This result would be inconsistent with the structure of the constitution.

34. The functions of the National Committee also make a thirty-day notice requirement constitutionally impossible absent a constitutional amendment. The National Committee had among other duties the following:

...b) the temporary filling of National Officer vacancies,...d) formulating and promoting statements of public policy, which are consistent with the Reform Party Statement of Principles,...e) providing for the raising, budgeting, disbursing and accounting of the monies for the operation of the Reform Party in amounts sufficient to fulfill the Party Object, including setting the dollar amount and payment frequency of any dues, fees and assessments to be paid by the National Party by State Party Organizations,... f) providing for ongoing Reform Party public relations and voter education,...g) providing for the keeping, filing and archival storage of the official books, records and lists of the Reform Party.

Art. IV, § 1. To take one example, it is inconceivable that in the event of the death or resignation of the National Party Chair, the National Committee could not fill his vacancy without having to wait thirty days. In sum, the language of the

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resolution itself, the interrelationship between the National Committee and National Convention under the constitution, and the functions of the National Committee all dictate that the resolution passed at Dearborn was at best aspirational. Anything greater (in this context) would require that a constitutional amendment be passed by a two-thirds vote of the National Convention. See art. XIII.

35. In addition, the leadership of the Party changed on January 1, 2000 and by that time there were different members of the National Committee than those who had met at Dearborn prior to the Dearborn National Convention. To allow the National Committee in Dearborn, to control what would take place at National Committee meetings after January 1, 2000 would in effect violate Robert's Rules of Order and the spirit of the Party's constitution. Normally one body cannot bind the next. See Robert's Rules of Order, Ch. IV, § 8.

36. Accordingly, this Court concludes that the Nashville National Committee meeting did not violate the Party's constitution. Moreover, this Court notes that notice was reasonable and an agenda was sent out at least two weeks before the meeting. Thus, the Nashville Meeting was not invalid for failure of the National Committee members to be given an agenda thirty days prior to the meeting.

**Gargan, the Chair who was Present at the Nashville Meeting, Refused to Call the Meeting to Order**

[4, 5] 37. While this Court finds that the Nashville Meeting was properly called and a quorum of members attended, a question exists as to whether Gargan (as National Party Chair) was acting within his authority to refuse to call the meeting to order. This Court finds that he was not.

\*760 38. The Reform Party constitution requires the National Party Chair to preside over meetings of the National Committee. Art. VIII, § 2(a) (the chair "shall" preside). Presiding officers cannot arbitrarily defeat the will of a body by refusing to entertain motions or permit expression of the majority's will. 59 Am.Jur.2d Parliamentary Law § 6 (1987). The will of a majority of members of a meeting body supercedes the will of the presiding officer. *Id.* More to the point, Robert's Rules of Order provides that "[i]f the [Chair] for any reason

vacates the chair or is absent, the [Vice Chair] ... normally should take the chair." Ch. XV, § 46.

39. The evidence is undisputed that a majority of the members of the Nashville Meeting desired to have the meeting be called to order; Gargan's refusal to do so was an improper attempt to subvert the will of the controlling body. As such, this Court finds that Gargan was acting improperly and functionally absented himself from the meeting, despite his committing physical presence in the room. Since the National Party Chair was functionally absent from the room, Vice Chair Moan properly served pursuant to the Party's constitution as "National Party Chair in the absence of the National Party Chair" and appropriately called the meeting to order. See Art. VIII, § 2(b). For this Court to find otherwise would result in the perverse outcome that the Chair could thwart the will of the National Committee, despite the constitution's admonishment that "[e]ach National Officer shall be subject to the proper directives and actions of ... the National Committee." Art. VIII, § 9.

**There Were Not Enough Properly Credentialed National Committee Members to Remove Gargan and Young By a Two-Thirds Vote of All Registered Members.**

[6, 7] 40. Courts are traditionally reluctant to interfere with the internal operations of political parties. *Irish v. Democratic-Farmer-Labor Party of Minnesota*, 399 F.2d 119, 120 (8th Cir.1968), citing *Lynch v. Torquato*, 343 F.2d 370 (3d Cir.1965). Specifically, with regard to the credentialing of delegates the national party determines whether a state's delegates are seated at a national party convention. See *Democratic Party of United States v. Wisconsin*, 450 U.S. 107, 126, 101 S.Ct. 1010, 67 L.Ed.2d 82 (1981); see also *Cousins v. Wigoda*, 419 U.S. 477, 489, 95 S.Ct. 541, 42 L.Ed.2d 595 (1975) (holding that the First Amendment protected the party's right to determine the composition of state delegations). Ultimately, "the proper forum for determining intra-party disputes as to which delegates shall be seated" is the convention itself. *O'Brien v. Brown*, 409 U.S. 1, 4, 92 S.Ct. 2718, 34 L.Ed.2d 1 (1972), vacated as moot, 409 U.S. 816, 93 S.Ct. 67, 34 L.Ed.2d 72, 73; see also *Irish*, 399 F.2d at 120 ("the attitude [of the courts] has been one of reluctance and of willingness to have the challenged body initially given the opportunity to

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attempt to reorganize itself").

41. In light of the well-settled proposition that political parties determine their own credentialing procedures, this Court is limited to analyzing the question of whether the Reform Party registered and/or credentialed [FN3] members at the Nashville Meeting pursuant to its own rules and constitution. This Court may not look behind the decisions of the individual state parties to certify members to attend the National Committee meeting at Nashville. So long as the Nashville Meeting credentialed and/or registered members—whenever they may be—pursuant to the Party's rules and constitution, this Court may not upset their decision to associate politically.

**FN3.** Throughout the trial, the terms "registering" and "credentialing" were used interchangeably.

42. There is no standing committee on the registering and/or credentialing of National Committee members. However, by creating an advisory committee comprised of four people from each competing group to review the registration of members for the Nashville Meeting, National Secretary Mangia created what this Court perceives to be a fair and equitable procedure to register and/or credential members for the meeting. More significantly, this Court finds that—to the extent there were procedures for registering and/or credentialing members from contested states—those procedures were followed by the advisory committee and the members in attendance at the Nashville Meeting.

43. To the extent Gargan challenges the registering and/or credentialing of representatives from specific states, those challenges are without merit. While there was a conflict between competing representatives of the Virginia delegation, neither group was seated at the meeting. Thus, there was no prejudice to Gargan or Young. Similarly, to the extent there was a conflict between competing representatives of the Ohio delegation, those competing factions resolved their seating arrangement among themselves.

44. As for the other nine states where only one (albeit disputed) delegation was sent, the right to challenge that delegation was waived by the failure of an opposing delegation to appear. Since no contesting representatives from those states traveled

to Nashville, the body was not obligated to hear challenges to the representatives who did actually arrive. Moreover, no challenges were made to the seating of the disputed representatives from the nine contested states by any National Committee members at the meeting itself. Thus, any argument as to the seating of those members is waived. See Robert's Rules of Order, Ch.XIX, § 58. Finally, to the extent that a challenge existed in the form of a letter from certain members of the Alaska group, Secretary Mangia summarized the contents of that letter to the body which then validly and within its own power reached a decision as to the seating of those representatives.

45. Ultimately, this Court finds that the Party had a procedure to register and/or credential members for the Nashville Meeting and followed that procedure. Since members of a political party have the ultimate right to self-determination, including the ability of a meeting of that party to register and/or credential its own members, this Court finds that the Nashville Meeting's removal of Gargan and Young was not invalid because delegates were not properly registered and/or credentialed.

**CONCLUSION**

46. As a result of the actions of the Executive Committee at their meeting on December 28, 1999, Young was removed from the position of Convention Committee Chair/Treasurer. However, pursuant to action taken by National Party Chair Gargan in early January 2000, Young was duly re-appointed Chair/Treasurer of the Convention Committee. Art. VII, § 1(a). Young remained Convention Committee Chair/Treasurer until the National Committee recalled him and re-appointed Moss as Convention Committee Chair/Treasurer at the Nashville Meeting.

47. As a result of the actions of the National Committee at the Nashville Meeting, Gargan and Young were divested of any and all authority to represent themselves as the Reform Party's National Party Chair and Treasurer. While there was a dispute at the meeting about the definition of "two-thirds ... of registered Members of the National Committee" as it relates to the removal of National Officers, this Court does not reach a decision on the meaning of that constitutional provision since both Gargan and Young were removed by 109 affirmative

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votes, which are more than is required under either definition. See Art. VIII, § 6(a).

48. At the Nashville Meeting, Choate was duly-elected as Interim National Party Chair and McLaughlin was duly-elected as Interim National Treasurer.

49. As a result of the actions of the National Committee at the Nashville Meeting, Choate and McLaughlin now possess the authority and are bound by the \*762 duties conferred on the Reform Party National Party Chair and the Reform Party National Treasurer by the Reform Party constitution, its governing rules, and federal law.

50. Any actions taken by Gargan or Young, allegedly acting as National Officers of the Reform Party (with regard to the Las Vegas Convention or otherwise), since their removal as National Officers on February 12, 2000, were ultra vires, and without legal effect. Moreover, this Court finds that the Las Vegas Convention, held on March 17-19, 2000, was not a duly-constituted or properly convened Convention of the Reform Party of the United States of America, and any and all actions taken there are null and void as they relate to the Reform Party.

51. The Reform Party will suffer irreparable injury if Gargan and Young are not enjoined from acting as the authorized representatives of the Party.

52. There is no adequate remedy at law for the Reform Party.

**ORDER**

For the reasons set forth in the attached Opinion, it is hereby ORDERED that John J. Gargan and Ronn Young, and their representatives, agents, servants, employees and attorneys, and any and all persons acting in concert with them, are hereby enjoined from acting as officers or authorized representatives of the Reform Party of the United States of America, including the Convention Committee, and shall hereby immediately cease and desist from any and all activities in such representative capacity, including, but not limited to: (1) solicitation of donations on behalf of the Reform Party of the United States of America, or the Convention Committee; (2) distribution of Press Releases on behalf of the Reform Party of the United States of

America, or the Convention Committee; (3) operation of an official web-site on behalf of the Reform Party of the United States of America, or the Convention Committee; (4) expenditure of funds on behalf of the Reform Party of the United States of America, or the Convention Committee; (5) solicitation of party members on behalf of the Reform Party of the United States of America; (6) organization of a national convention on behalf of the Reform Party of the United States of America, or the Convention Committee; (7) making any use of the name of the Reform Party of the United States of America, or the Convention Committee, or any substantially similar variant or derivation thereof; (8) making use of any logos, non-textual trademarks or service marks belonging to the Reform Party of the United States of America; and (9) making any other oral, written or electronic communication in a representative capacity on behalf of the Reform Party of the United States of America, or its Convention Committee.

Furthermore, it is hereby ORDERED that funds currently being held in the Registry of the Court, pursuant to prior order of this Court, will be released to the custody of Gerald Moan, as Chairman of the Convention Committee of the Reform Party of the United States of America. Since the Reform Party is under an obligation to comply with agreements filed pursuant to 11 C.F.R. § 9008.3(a)(1), this Court requires the Reform Party to acknowledge its obligations in writing to this Court prior to and as a condition of the release of any and all funds held in the Registry of the Court. [FN1] Upon release of the funds, the Reform Party shall deposit and maintain all funds released to them in a depository account properly registered with the Federal Election Commission, shall provide the Federal Election Commission with notice of any changes in the information provided in its application for federal funds that was submitted in September, 1999, \*763 and shall specify to the Federal Election Commission the depository to which the United States Treasury should direct any supplemental payment of convention funds pursuant to 11 C.F.R. § 9008.5.

FN1. The Federal Election Commission filed an amicus brief without objection by either party. While the Commission did not take a position regarding who are the properly elected officers of the Reform Party, it did suggest that the Court include in its Order certain language regarding the

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legal obligations of the parties concerning the use of federal election funds. This Court has decided to adopt and integrate that language into this Order.

Furthermore, it is hereby ORDERED that John J. Gargan and Ronn Young shall turn over all documentation regarding convention funding and disbursements made by the Reform Party 2000 Convention Committee (or on its behalf) to the Reform Party of the United States of America, who are responsible under the Presidential Election Campaign Fund Act to provide all such information

to the Federal Election Commission for any post-convention audit.

The Clerk of the Court is hereby directed to send a certified copy of this Order and attached Opinion to all counsel of record and to Stephen E. Hershkowitz, Assistant General Counsel, Federal Election Commission, 999 E Street, NW, Washington, DC 20463.

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227 Minn. 52, \*; 33 N.W.2d 831, \*\*;  
1948 Minn. LEXIS 639, \*\*\*

Democratic-Farmer-Labor State Central Committee and Others v. Mike Holm, Elmer A. Benson and  
Others, Interveners

No. 34,815

Supreme Court of Minnesota

227 Minn. 52; 33 N.W.2d 831; 1948 Minn. LEXIS 639

September 2, 1948

**PRIOR HISTORY:** [\*\*\*1]

Original proceeding in supreme court upon the petition of the Democratic-Farmer-Labor State Central Committee and Orville L. Freeman and Curtiss Olson, its chairman and secretary respectively, for an order requiring Mike Holm as secretary of state to reject a certificate previously filed by interveners naming the nominees for presidential electors of said party and to receive and file the certificate of petitioners naming the nominees for such electors.

**DISPOSITION:** Writ issued.

**CORE TERMS:** convention, delegate, certificate, elector, nomination, election, presidential, nominated, secretary of state, political convention, qualification, contest, chairman, ballot, county convention, credential, quorum, central committee, candidates, regular, nominee, usage, withdrawing, oppression, organize, supplied, elected, seats, purporting, regularity

**HEADNOTES:** Constitution -- judicial powers -- review of actions of political conventions -- determination of factional controversies within party.

1. The rule with regard to judicial review of the actions of political conventions is that in factional controversies within the party, where there is no controlling statute or clear right based on statute law, the courts will not assume jurisdiction, but will leave the matter for determination within the party organization.

**Election -- organization and functions of political convention -- "quorum" competent to transact business.**

2. Absent a controlling statute, a political convention is the judge of the election, qualifications, and returns of its own [\*\*\*2] members. Such a convention is not a select body requiring the presence of a majority of all persons entitled to participate in order to constitute a quorum for the transaction of business. If that convention is regularly called, those who actually assemble constitute a quorum, and a majority of those voting is competent to transact business. The withdrawal of either a majority or minority does not affect the right of those remaining to proceed with the business of the convention, and those withdrawing cannot claim to be the legal party convention.

**Election -- organization and functions of political convention -- nomination of presidential electors.**

3. Tested by the foregoing rules, the Democratic-Farmer-Labor convention held at Brainerd on June 12 and 13, 1948, was the duly called and legally organized convention of that party and continued to be such during its session. The persons nominated for presidential electors by that convention are the party nominees.

**Election -- organization and functions of political convention -- supreme court without jurisdiction to determine contests for seats in convention.**

4. Since the interveners in their answer concede that [\*\*\*3] the Brainerd convention was legally called and organized, it was the judge of the qualifications and right to seats of its members, and this court is without jurisdiction to pass upon the question as to whether it rightfully determined the contests of delegates for seats in that convention. Such being the law, there is no issue of fact made by the pleadings over which we have jurisdiction requiring a reference.

**Election -- organization and functions of political convention -- nomination of presidential electors.**

5. The petitioners are entitled to the order and writ of this court commanding the secretary of state, respondent herein, to reject the certificate of nomination of presidential electors filed with him June 14, 1948, by the interveners herein and to accept and file the certificate of the petitioners, if that be in proper form.

**COUNSEL:** *Lee Loevinger*, for petitioners.

*J. A. A. Burnquist*, Attorney General, and *Ralph A. Stone*, Assistant Attorney General, for Mike Holm, respondent.

*Francis M. Smith*, intervener, *pro se*.

*Hyman H. Cohen*, for interveners *Elmer A. Benson*, *Frank Boyd*, *Walter Johnson*, *Joseph Paszak*, *Orville E. Olson*, *George Vikingstad*, [\*\*\*4] *Ione Kleven*, *Axel T. Nyberg*, *James Youngdale*, and *Carolyn Storie*.

**JUDGES:** *Loring*, Chief Justice. Mr. Justices *Peterson*, *Thomas Gallagher*, and *Frank T. Gallagher* took no part in this decision.

**OPINIONBY: LORING**

**OPINION:** [\*53] [\*\*832] This is a proceeding in this court under M.S.A. 205.78 initiated by petition by those purporting to be the chairman and the secretary of the state central committee of the Democratic-Farmer-Labor party, which, for the sake of convenience, will hereinafter be referred to as the DFL party, seeking an order or writ requiring the secretary of state to correct a claimed error or omission in the [\*54] preparation of ballots for the general election to be held November 2, 1948, insofar as those ballots contain the names of presidential electors nominated by the convention of that party. There is no contention that the petitioners are not qualified to bring the proceeding. See, *State ex rel Sauer v. District Court*, 74 Minn. 177, 77 N.W. 28. The question of whether electors may be nominated by petition is not before us.

It appears by the petition that the secretary of state has refused to accept the petitioners' certificate as to nominees for presidential [\*\*\*5] electors for the reason that another certificate, fair on its face, also purporting to name presidential electors for that party, had previously been filed in his office on June 14, 1948.

The petition seeks an order requiring the secretary of state to reject the certificate previously filed and to receive and file a certificate naming the nominees for electors of the DFL party which the petitioners propose to file. Following the filing of the petition in this court, the persons who filed the first certificate, who are interveners herein, moved this court for an order discharging the petition, and, in the event the petition be not discharged, they filed an answer and asked for the appointment of a referee to take testimony on issues of fact which they contend are tendered thereby.

The facts out of which the present controversy arose are that the 1948 convention of the DFL party

was legally called by the state chairman to convene in the armory at Brainerd, Minnesota, on June 12 and 13, 1948. The delegates to that convention [\*\*833] assembled and organized the convention. The answer to the petition admits the legality of the call and that the convention was organized and proceeded [\*\*6] to pass upon contested delegations, but in connection with such contests alleges that those delegates who voted in the convention "arbitrarily, capriciously, oppressively and unlawfully" excluded legally elected delegates who were under contest. As examples of such alleged "arbitrary, capricious, oppressive and unlawful" actions, the answer alleges some eleven examples of conduct, all of which relate in some manner to such contests. The answer then charges that by such actions the theretofore legal convention [\*\*55] ceased to be the legal convention of the party, and early in the afternoon of June 13 became a mere assemblage of citizens without authority to bind the party, whereupon certain delegates withdrew from the convention and met immediately in front of the armory, where the convention was being held, assumed to organize themselves into a convention under the original call, and adjourned to a hall in the city of Minneapolis to reassemble at 10 p.m. of that same day. It was at this reassembly in Minneapolis that the persons whose names appear on the certificate, first filed with the secretary of state, were nominated as electors, and it was by a certificate filed by the [\*\*7] alleged officers of that assumed convention that the certificate of nominations was filed with the secretary of state on June 14, 1948.

It is the contention of the petitioners that the Brainerd convention was the duly called and organized party convention and that it had the sole right to judge the qualifications and credentials of its own members; that its determinations thereof are not subject to judicial review; and therefore that the certificate already filed with the secretary of state is not the certificate of the duly authorized party or of its convention officers. On the other hand, the interveners, who are the officers of the Minneapolis convention, contend that the actions of the Brainerd convention with reference to the seating of contestants was so arbitrary, fraudulent, and unlawful as to justify the withdrawal of the delegates and the organization of a new convention under the original call which would have the authority to nominate electors.

1. The rule with regard to judicial review of the actions of political conventions is that in factional controversies within a political party, where there is involved no controlling statute or clear right based on statute [\*\*8] law, the courts will not assume jurisdiction, but will leave the matter for determination within the party organization.

2. Absent a controlling statute, a political convention is the judge of the election, qualifications, and returns of its own members. Such a convention is not a select body requiring the presence of a majority of all persons entitled to participate in order to constitute [\*\*56] a quorum for the transaction of business. If that convention is regularly called, those who actually assemble constitute a quorum, and a majority of those voting is competent to transact business. The withdrawal of either a majority or minority does not affect the right of those remaining to proceed with the business of the convention, and those withdrawing cannot claim to be the legal party convention.

This court in *Phillips v. Gallagher*, 73 Minn. 528, 534, 76 N.W. 285, 287, 42 L.R.A. 222, in discussing a contention that the law relative to election contests applied to party convention nominations, said:

"But such rules have only a limited application to a political convention, which has control over its own proceedings and officers, in the absence of any statutory regulations, [\*\*9] and may proceed according to party usages and customs. The questions which such a convention deals with are essentially political, and it would be a menace to the right of the members of a political party to select their own party nominees, and to the respect which should be entertained for judicial tribunals, for the courts to review and reverse the proceedings of a political convention, in the absence of fraud or oppression on its part or of its officers.

"The delegates in a nominating convention meet for the purpose of selecting and agreeing upon candidates for office, to be [\*\*834] supported by the party. The discharge of this duty involves

the exercise of judgment and discretion on the part of the members of the convention, and a majority of them have, in the absence of fraud or oppression, the right to control the action of the convention, and to correct or reverse any action taken by it. Such a convention is a deliberative body, and unless it acts arbitrarily, oppressively or fraudulently, its final determination as to candidates, or any other question of which it has jurisdiction, will be followed by the courts. See *State [ex rel. Childs] v. Kiichii*, 53 Minn. 147, [\*\*\*10] 154, 54 N.W. 1069, 1070, 19 L.R.A. 779; *Manston v. McIntosh*, 58 Minn. 525, 528, 60 N.W. 672, 673, 28 L.R.A. 605; *In re Fairchild*, 151 N.Y. 359, 45 N.E. 943. Any other rule would be intolerable, and permit the courts to [\*57] impose upon a party a nominee contrary to the wishes of its members, as finally expressed by their representatives in convention."

The "fraud or oppression" referred to is, in our opinion, only such perversion of the purposes of the convention as may be effected after those purposes have been finally determined. It does not include the action of the convention in seating delegates involved in contests, because such a convention is the judge of the qualifications and right to seats of its own members. These qualifications and rights are political, as distinguished from legal rights, unless based upon specific statute; and courts will not entertain jurisdiction of them. See, Annotations, 20 A.L.R. 1035 and 169 A.L.R. 1282.

The answer in this case sets up only conclusory words alleging fraud and oppression, without supporting facts as to the illegality of the delegates seated. If, upon such an allegation, we were given jurisdiction to inquire as to the [\*\*\*11] regularity of the elections of delegates to the state convention, we, instead of the state political organization, would be confronted with the political task of organizing the convention. *Marcum v. Baliot Commrs.* 42 W. Va. 263, 26 S.E. 281, 36 L.R.A. 296. In that case, in discussing the powers of a circuit nominating convention and the limits of judicial review, the court said (42 W. Va. 272, 26 S.E. 284):

"\* \* \* *That convention, like the two branches of the state legislature and congress, like all deliberative bodies having power to organize, is the judge of the election, qualification, and returns of its own members. If we go back of the circuit convention, how far shall we go? What shall limit our inquiry? Must we overlook every convention or primary election to say whether its members were old enough or of the politics to entitle them to participate? There must be a limit of reason to our powers. That is the convention whose nominations are in question before us. To hold otherwise would be for this Court to assume power to supervise and review the organization of political conventions -- practically to organize them.*" (Italics supplied.)

[\*58] The case [\*\*\*12] of *State ex rel. Fossor v. Lavik*, 9 N.D. 461, 83 N.W. 914, is on all fours with the case at bar, although it involved a county convention instead of a state convention. In that case, as here, two certificates of nomination were presented to the county auditor, and he refused the second one. The court said (9 N.D. 462, 83 N.W. 915):

"\* \* \* It is clear that the one duty of the court in this case is to determine which faction, if either, constituted the *de facto* Republican convention. It is not our province to correct parliamentary errors, or to scrutinize the parliamentary methods by which an organization of a convention was secured, if only an organization of the Republican county convention was effected. A mass of affidavits has been presented to us, but we accept the statement of facts as found in defendant's brief, adding thereto only matters that are undisputed. The call for the convention was regular in all respects, and fixed the total number of delegates from the county at 19. The caucuses were duly held, and delegates properly elected from all the precincts except one. In that precinct one Dolan was elected, not by ballot, as required by section 497a, Rev. Codes, [\*\*\*13] but by a *viva voce* vote of the electors present. [\*835] On the day appointed for the convention the county Republican central committee met, in pursuance of usage, to determine what delegates were entitled to participate in the preliminary organization. That committee rejected Dolan's credential, -- *whether rightly or not, we must not inquire.* The delegates were called to order by the chairman of the central committee, and, on the nomination for temporary chairman, there was a tie vote of 9 to 9. The chairman of the central committee assumed the right to decide the tie, -- *whether rightly or not, we need not say, because the election of the temporary chairman was immediately*

acquiesced in by the entire convention. A temporary secretary was then nominated and elected by the unanimous vote of all the delegates. *It is clear at this point that a temporary organization of the convention had been effected.* The assembly was no longer an unorganized body of delegates. It was a convention. Whatever business that convention might transact must be transacted through the instrumentality [\*59] of the organization thus effected, or of some organization that might [\*\*\*14] by a vote of the convention as thus organized be substituted for the then existing organization. The convention, acting upon these self-evident propositions, at once proceeded with the appointment of the usual committees for such occasions. There was no contest, except as to the committee on credentials. Upon the motion that the chair appoint such committee, the vote stood 9 to 9; and the chair, after having voted as a delegate, assumed the right, as chairman, to vote again, and decide the vote in favor of the motion. We need not waste a moment in condemning this course. *This court is not interested in determining whether or not that convention was conducted according to strict parliamentary rules and usages. Such questions are foreign to the powers of judicial tribunals. They are political, purely. We are interested only in determining whether or not such convention was the Republican county convention, and as to that there can be no doubt, upon conceded facts.* The committee on credentials presented a report rejecting the credentials of Mr. Dolan, who had already been rejected by the central committee, and also rejecting the credentials of one McDonough. The motion [\*\*\*15] to adopt this report was carried by a vote of 9 in the affirmative to 8 in the negative; the chair refusing to count the vote of McDonough in the negative. *That convention was the exclusive judge of the qualifications of its own members, and by that vote it conclusively determined that there were 17 qualified delegates elected to that convention, and no more, and that Dolan and McDonough were not delegates legally elected and qualified to sit in said convention. When this was definitely determined, the 8 delegates, who were thus left a minority faction, and all of whom had participated in the preliminary organization and in every move of the convention up to this point, without any motion to adjourn, or any public announcement of any intention to withdraw, quietly left the room, and, calling to them the 2 men who had been rejected by the convention, they proceeded to another room, and assumed to organize themselves into a convention, and nominated a full list of county officers; and the parties who acted as chairman and secretary of such assumed convention [\*60] executed a certificate of nomination, fair on its face, and purporting to be the nominations made by the Republican [\*\*\*16] county convention for the offices therein specified. The certificate was received and filed by the auditor. The 9 delegates remaining in the regular convention, and being a majority of the delegates entitled to seats in that convention, proceeded to nominate county officers; and a certificate of such nomination, fair on its face, and purporting to be the certificate of nominations made by the Republican county convention for said Pierce county, was presented to the auditor, who refused to receive or file the same, for the reason that the certificate of nominations made by the Republican county convention was already on file in his office. True it is that the auditor could properly receive and place upon the official ballot but one list of Republican nominations for county offices, but he was bound to so receive and place upon the ballot the nominations made by the regular Republican county convention. State v. Falley, 9 N.D. 450, 83 N.W. Rep. 860. [\*\*836] This he has refused to do. Let the peremptory writ issue as prayed. All concur." (Italics supplied.)*

We regard the reasoning of that case as sound.

In the later case of *State ex rel. Granvold v. Porter*, 11 N.D. [\*\*\*17] 309, 319, 91 N.W. 944, 950, involving a similar situation, the court said:

" \* \* \* The convention was not a select body, requiring the presence of a majority of all the persons entitled to participate in order to constitute a quorum for the transaction of business. The common-law rule as to assemblages of this character is that, where the meeting is regularly called, those who actually assemble constitute a quorum, and a majority of those voting is competent to transact business. Those who do not attend are presumed to assent to the action of the majority of those who do attend and vote. *Field v. Field*, 9 Wend. 395; *Craig v. Presbyterian Church*, 88 Pa. 42, 32 Am. Rep. 417; *Ex parte Willcocks*, 7 Cow. 401, 17 Am. Dec. 525; *Everett v. Smith*, 22 Minn. 53; *Smith v. Proctor*, 130 N.Y. 319, 29 N.E. Rep. 312, 14 L.R.A. 403; *Lawrence v. Ingersoll*, (Tenn.) 6 L.R.A. 308, and note (s.c. [88 Tenn. 52] 12 S.W. Rep. 422, 17 Am. St. Rep. 870); *Cass*

County v. Johnston, 95 U.S. 360, 24 L. Ed. 416. [\*61] It follows, therefore, that, by withdrawing, the delegates merely waived their right to participate in the convention, and that their action in so doing did not affect its identity, or deprive [\*\*\*18] those who were present of the right to proceed with the business of the convention. This we understand to be true in all cases, whether the withdrawing members constitute a majority or a minority. In this case the fact is established, however, that a majority of lawful delegates was present at all times in the Fox convention, and participated in its action. The convention which nominated the relator consisted of six regular delegates, -- the relator, who held a proxy, and Stevens, whose right to participate had been rejected by the regular convention. These facts bring the case fairly under the decision of this court in State [ex rel. Fossler] v. Lavik [9 N.D. 461, 83 N.W. 914], supra, wherein we held *that a minority of the delegates to a political convention cannot withdraw therefrom, and join themselves with those whose credentials have been rejected, and successfully claim that they constitute the legal party convention.*" (Italics supplied.)

In the article on Elections appearing in 18 Am. Jur., §§ 136, 137, the rule governing the powers of political conventions and the judicial review of their actions is stated as follows:

"A convention has the inherent power, incident [\*\*\*19] to all deliberative bodies having the power to organize to judge of the election, qualifications, and returns of its own members, and its action in seating or rejecting delegates is not subject to judicial review. \* \* \* The convention, when assembled and organized, is, as has previously been shown, the depository of all party power, and it cannot be bound or limited in its action in any way by the permanent committee in the call issued for the convention. In the absence of statutory regulations, it has control over its own proceedings and affairs and may proceed according to party usages and customs. The discharge of the duties imposed on the convention involves the exercise of judgment and discretion on the part of its members, and a majority of them have, in the absence of fraud or oppression, the right to control [\*62] the action of the convention and to correct or reverse any action taken by it, and its final determination as to candidates or any other question within its jurisdiction will be followed by the courts. \* \* \*

"A convention regularly called and organized is not dissolved by the withdrawal of a minority of the delegates present, but remains, as before, a convention [\*\*\*20] with full power to nominate the candidates to be voted for. Its nominees, and not those of the withdrawing minority, are entitled to be placed upon the ballot. \* \* \*"

In 29 C.J.S., § 88, of article on Elections, the rule is stated as follows:

"Except to the extent that jurisdiction is conferred by statute or that the subject has been regulated by statute, the courts have no power to interfere with the judgments of the constituted authorities of established political parties in matters involving party government and discipline, [\*\*\*837] *to determine disputes within a political party as to the regularity of the election of its executive officers, or their removal, or to determine contests for the position of party committeemen or convention delegates.* As elections belong to the political branch of the government, the courts will not be astute in seeking to find ground for interference, but will seek rather to maintain the integrity and independence of the several departments of the government by leaving questions as to party policy, the regularity of conventions, the nomination of candidates, and the constitution, powers, and proceedings of committees, to be determined [\*\*\*21] by the tribunals of the party. Accordingly the courts will not assume jurisdiction of cases involving inquiry into the conventions of a political party. Thus the action of a state convention in deciding between two contesting delegations and the regularity of the state or district conventions or other meeting at which they were selected is regarded as conclusive." (Italics supplied.)

M.S.A. 204.02 provides:

"Presidential electors for the several political parties of this state *shall hereafter be nominated by delegate conventions called and held* [\*63] *under the supervision of the respective state central committees of the several parties of this state.* The names of the persons nominated as presidential

electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector and shall be placed upon the general election ballot in the manner now provided by law." (Italics supplied.)

The provisions which now appear as M.S.A. 204.02 first appeared as Ex. Sess. L. 1919, c. 27, later appearing as L. 1923, c. 125, § 11. Theretofore the nomination of electors had been subject to the provisions of the direct [\*\*\*22] primary law. There was also at one time a presidential preference primary, L. 1913, c. 449, later amended by L. 1915, c. 372, but repealed by L. 1917, c. 133. After its repeal and the extension of the primary to all other state officers, the elaborate machinery of the primary law, no doubt, seemed to the legislature wholly unnecessary, as applied to presidential electors, who by party organization, usage, and custom were bound to vote for the candidates nominated by the national convention. Consequently, Ex. Sess. L. 1919, c. 27, was enacted in time to apply to the 1920 presidential election. As we construe c. 27 and its continuance in force as a separate section in all subsequent legislation, as in L. 1923, c. 125, § 11, it was clearly intended to lift the convention to nominate presidential electors out of the other provisions of the primary election law and place it in a separate class under the control of the state central committee. The language of c. 27, now appearing as M.S.A. 204.02, is inconsistent with any other intent. We do not regard M.S.A. 202.11, et seq., as controlling this convention. Certainly, there is no intent evinced in those sections to confer [\*\*\*23] jurisdiction on this court in controversies of this character. In Johnson v. Schmahl, 119 Minn. 179, 137 N.W. 741, this court held that the primary election law repealed, as inconsistent with its terms, the law providing for nomination of state officers by conventions. We think it is just as clear that as to presidential electors, whose situation is unique and distinct from that of other officers, the legislative [\*64] intent was to restore the convention completely to party control. We so construe the section. Nothing in it indicates an intention to vest in the courts jurisdiction to pass upon the committee's decisions or on those of the convention so called, held, and supervised. The customs and usages of the party or its constitution were obviously sufficient protection to its members. No party constitution could confer jurisdiction upon the courts, and the statute authorizing such constitutions does not. M.S.A. 202.10.

-----Footnotes-----

n2. As originally enacted, the primary did not extend to state officers. L. 1899, c. 349.

-----End Footnotes----- [\*\*\*24]

3-4-5. We conclude that the courts have no jurisdiction of the issues attempted to be raised by the pleadings before us and that consequently there is no issue of fact upon which a reference should be ordered. We further conclude that the electors nominated by the regular convention at Brainerd are entitled to be placed upon the ballot; that those named on the certificate, filed [\*\*\*838] June 14, 1948, have no such right; that that certificate should be rejected and purged from the files of the secretary of state and that of the petitioners received and filed when the same is in due form. Let a mandate to that effect issue to the secretary of state.

So ordered.

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9 N.D. 461, \*; 83 N.W. 914, \*\*;  
1900 N.D. LEXIS 253, \*\*\*

STATE, EX REL HANS FOSSER vs. ANDREW J. LAVIK.

[NO NUMBER IN ORIGINAL]

SUPREME COURT OF NORTH DAKOTA

9 N.D. 461; 83 N.W. 914; 1900 N.D. LEXIS 253

October 26, 1900, Opinion Filed

**PRIOR HISTORY:** [\*\*\*1] Application for a writ of mandamus, on the relation of Hans Fossier, against Andrew J. Lavik.

Writ granted.

**DISPOSITION:** Peremptory writ issued.

**CORE TERMS:** convention, nomination, delegate, certificate, county convention, credential, auditor, ballot, chairman, faction, election, central committee, temporary, regular, elected, parliamentary, column, purporting, proceeded, effected, chair, political convention, political party, candidate, nominees, refused to receive, alternative writ, nominated, secretary, precinct

**HEADNOTES:** Elections -- Refusal to File Certificate of Nomination -- Mandamus.

Where a county auditor refuses to receive and file the certificates of nominations for county officers made by a political party entitled to a column upon the official ballot, this refusal is a matter publici juris. It involves the right of the citizen to vote for the nominees of the political party of his faith. It involves the exercise of the elective franchise, and indirectly involves the election of every candidate in that column upon the official ballot. This court has jurisdiction to issue an original writ of mandamus in such a case.

**Political Questions -- Parliamentary Rulings.**

Judicial tribunals cannot pass upon the correctness of parliamentary rulings or tactics adopted in a political convention. Such questions are purely political. Courts can determine in this behalf only whether or not an assembly is a political convention organized as the law requires.

**Minority of Convention Cannot Withdraw and Organize a Legal Party Convention.**

A political convention is the exclusive judge of the credentials and qualifications of persons claiming to be delegates thereto, and a minority of the delegates, as thus determined by the convention cannot, by withdrawing from said convention and joining themselves to the persons whose credentials have been rejected by the convention, constitute a legal party convention.

**COUNSEL:** F. H. McDermont, W. J. Maher, (Cochrane & Corliss of counsel), for relator.

L. N. Torson and P. J. McClory, for respondent.

**JUDGES:** BARTHOLOMEW, C. J.

**OPINIONBY:** BARTHOLOMEW

**OPINION:** [\*462] [\*\*914] BARTHOLOMEW, C. J. One Hans Fossier, as relator, made an original

application to this court for a writ of mandate to the auditor of Pierce county, commanding said auditor to receive and file a certain certificate of nomination, purporting to be the certificate of nomination for county offices for said Pierce county made by the Republican party of said county, and to print such nominations upon the official ballot. The alternative writ was issued, and upon the return day the defendant, by his counsel, moved to quash such writ on the ground that this court had no original jurisdiction of the case, for the reason that the case was not of such strictly public concern as is required by section 5165, Rev. Codes. It is true, this case involves directly only the nomination and election of county officers, but necessarily and inseparably connected therewith [\*\*2] is the right of the citizen to vote for the regular nominees of his political party. It involves the exercise of the elective franchise, -- the most sacredly guarded franchise granted by the state. Indirectly, it involves the election of all the candidates named in [\*\*915] the Republican column upon the official ballot, whether state, district, or county nominees, for the reason that the number of Republican votes cast in said county will depend to some extent upon who appear in the Republican column as the Republican candidates for the local or county offices. For these reasons, we think the matter is *publici juris*. As was said in effect in *State v. Nelson Co.*, 1 N.D. 88 at 101, 45 N.W. 33, the court will judge for itself whether the wrong complained of is of the nature that requires the interposition of this court. The motion to quash is denied.

Defendant also answered to the alternative writ. From the writ and answer it is clear that when the Republican county convention of Pierce county convened in said county on September 29, 1900, it was composed of two factions, bitterly opposed, and the ultimate result was a division; each faction claiming to be the [\*\*3] Republican county convention, and each nominating a full list of county officers. The certificate of nomination as made by one faction was duly presented to, and received and filed by, the auditor. Subsequently the certificate of nominations as made by the other faction was presented to the auditor, but he refused to receive the same upon the ground that the certificate of nominations made by the Republican county convention was already on file. It is clear that the one duty of the court in this case is to determine which faction, if either, constituted the *de facto* Republican convention. It is not our province to correct parliamentary errors, or to scrutinize the parliamentary methods by which an organization or a convention was secured, if only an organization of the Republican county convention was effected. A mass of affidavits has been presented to us, but we accept the statement of facts as found in defendant's brief, adding thereto [\*\*463] only matters that are undisputed. The call for the convention was regular in all respects, and fixed the total number of delegates from the county at 19. The caucuses were duly held, and delegates properly elected from all the precincts [\*\*4] except one. In that precinct one Dolan was elected, not by ballot, as required by section 497a, Rev. Codes, but by a *viva voce* vote of the electors present. On the day appointed for the convention the county Republican central committee met, in pursuance of usage, to determine what delegates were entitled to participate in the preliminary organization. That committee rejected Dolan's credential, -- whether rightly or not, we must not inquire. The delegates were called to order by the chairman of the central committee, and, on the nomination for temporary chairman, there was a tie vote of 9 to 9. The chairman of the central committee assumed the right to decide the tie, -- whether rightly or not, we need not say, because the election of the temporary chairman was immediately acquiesced in by the entire convention. A temporary secretary was then nominated and elected by the unanimous vote of all the delegates. It is clear at this point that a temporary organization of the convention had been effected. The assembly was no longer an unorganized body of delegates. It was a convention. Whatever business that convention might transact must be transacted through the instrumentality of [\*\*5] the organization thus effected, or of some organization that might by a vote of the convention as thus organized be substituted for the then existing organization. The convention, acting upon these self-evident propositions, at once proceeded with the appointment of the usual committees for such occasions. There was no contest, except as to the committee on credentials. Upon the motion that the chair appoint such committee, the vote stood 9 to 9; and the chair, after having voted as a delegate, assumed the right, as chairman, to vote again, and decide the vote in favor of the motion. We need not waste a moment in condemning this course. This court is not interested in determining whether or not that convention was conducted according to strict parliamentary rules and usages. Such questions are foreign to the powers of judicial tribunals. They are political, purely. We are interested only in determining whether or not such convention was the Republican county convention, and as to that there can be

no doubt, upon conceded facts. The committee on credentials presented a report rejecting the credentials of Mr. Dolan, who had already been rejected by the central committee, and also rejecting [\*\*\*6] the credentials of one McDonough. The motion to adopt this report was carried by a vote of 9 in the affirmative to 8 in the negative; the chair refusing to count the vote of McDonough in the negative. That convention was the exclusive judge of the qualifications of its own members, and by that vote it conclusively determined that there were 17 qualified delegates elected to that convention, and no more, and that Dolan and McDonough were not delegates legally elected and qualified to sit in said convention. When this was definitely determined, the 8 delegates, who were thus left a minority [\*464] faction, and all of whom had participated in the preliminary organization and in every move of the convention up to this point, without any motion to adjourn, or any public announcement of any intention to withdraw, quietly left the room, and, calling to them the 2 men who had been rejected by the convention, they proceeded to another room, and assumed to organize themselves into a convention, and nominated a full list of county officers; and the parties who acted as chairman and secretary of such assumed convention executed a certificate of nomination, fair on its face, and purporting [\*\*\*7] to be the nominations made by the Republican county convention for the offices therein specified. The certificate was received and filed by the auditor. The 9 delegates remaining in the regular convention, [\*916] and being a majority of the delegates entitled to seats in that convention, proceeded to nominate county officers; and a certificate of such nomination, fair on its face, and purporting to be the certificate of nominations made by the Republican county convention for said Pierce county, was presented to the auditor, who refused to receive or file the same, for the reason that the certificate of nominations made by the Republican county convention was already on file in his office. True it is that the auditor could properly receive and place upon the official ballot but one list of Republican nominations for county offices, but he was bound to so receive and place upon the ballot the nominations made by the regular Republican county convention. *State v. Falley*, 9 N.D. 450, 83 N.W. 860. This he has refused to do. Let the peremptory writ issue as prayed. All concur.

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**Statement for the Record**  
**Vice Chairman Danny L. McDonald, Commissioner Scott E. Thomas,**  
**and Commissioner Bradley A. Smith**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Request of James Mangia to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster	) ) )	LRA #598
Request of New York Delegation to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster	) ) )	LRA #599

### STATEMENT FOR THE RECORD

**VICE CHAIRMAN DANNY L. McDONALD; COMMISSIONER SCOTT E. THOMAS; AND COMMISSIONER BRADLEY A. SMITH**

The Commission has issued Statements of Reasons for denying two requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster.<sup>1</sup> Although we have voted for the Statements of Reasons, we write separately to express the reservations we have for the substantive portions of these Statements, and to address the concern of our colleagues that these requests were not properly before the Commission.

#### **1. Procedural Argument: Submission not Properly Before the Commission**

Some of our colleagues believe the requests of Mr. Mangia and the New York Delegation are not properly before the Commission, as the Commission has no formal procedure for recognizing such submissions. It is true neither the Act nor Commission regulations provide a specific procedure to contest an application for public funds. Nevertheless, the Commission has acted on such applications in the past, issuing

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<sup>1</sup> Statement of Reasons, Request by Mr. James Mangia to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #598; Statement of Reasons, Request by the New York Delegation to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #599. As the reasoning is the same in the Statements of Reasons denying both submissions, we will treat the Statements as being a singular "Statement," and refer to the page cites as they appear in the Statement of Reasons for LRA #598.

statements of reasons to explain our decisions. There may be times when the Commission ought to hear such allegations from knowledgeable third parties in determining whether or not a basis exists for the Commission to deny an application for public funds. It is difficult to believe the Commission would ignore widely-reported fraud that would disqualify a candidate. If the agency would not ignore such allegations as they might appear in the press, we see no reason to ignore them because they are placed in a written submission addressed to the Commission.

In our view, the most logical way to treat such submissions, when timely submitted (that is, when submitted before the ruling of the Commission) would be as comments on the application.<sup>2</sup> The fact that 26 U.S.C. §9005(a) allows 10 days for the Commission to consider an application for public funds suggests to us that our responsibility is more than purely ministerial, so that a formal process to accept such comments would not be contrary to the statute.

We would like to consider formalizing a process for such comments through rule-making. At the present time, however, in light of the Commission's history of accepting such comments and issuing statements of reasons in response, we think it inappropriate simply to deny the petitions on those procedural grounds, without discussing the substance of the complaints.

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<sup>2</sup> Commissioner Smith is of the opinion that the submissions of Mr. Mangia and the New York Delegation ought not be treated as petitions requiring a formal denial, but rather, as comments on the application of Mr. Buchanan and Ms. Foster.

## 2. Substantive Arguments to Deny Requests

The substantive rationale for denying the requests can be captured in a single sentence included in each Statement of Reasons:

As Mr. Buchanan and Ms. Foster have submitted documentation demonstrating that they have qualified to appear on numerous general election ballots as Reform Party candidates, they meet the Fund Act's definition of 'candidate,' and the Reform Party, under whose designation they run, meets the definition of 'political party.'<sup>3</sup>

It is true that Mr. Buchanan and Ms. Foster are "candidates" under the Fund Act, as they are on the ballot in ten states under the Reform Party banner. And it is also true that the Reform Party is a political party, formally recognized by the Commission.<sup>4</sup> We have joined this part of the Statement of Reasons on the understanding that we are saying we have no reason to doubt the Reform Party, as formally recognized, nominated Mr. Buchanan and Ms. Foster for President and Vice President for the 2000 election cycle. At the same time, however, some might read the Statement of Reasons to say that a quest for funds, in a situation in which two candidates each claim to be the proper nominees of a party and the just recipient of public funds, is a mere race to the states for ballot access certification, and then to this Commission for automatic certification for public funds. As this is not our understanding, we wish to clarify our view of the Commission's obligations in certifying general election funds under the Presidential Election Campaign Fund Act.<sup>5</sup>

The Statement of Reasons notes that "[t]he Fund Act's definition of 'candidate' explicitly requires the Commission to rely on the states' determinations of who appears

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<sup>3</sup> Statement of Reasons, at 11.

<sup>4</sup> On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds. On April 3, 2000, United States Judge Norman K. Moon issued an order awarding the Reform Party's convention funds to a group headed by Convention Chair/Treasurer Gerald Moan. See *Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>5</sup> 26 U.S.C. §9001, *et seq.*

on the general election ballot.”<sup>6</sup> We have no quarrel with this statement as far as it goes. But our reliance upon state determinations of ballot appearance satisfies only a threshold condition. We take the requirement of 26 U.S.C. §9002(2)(B), that one appears on the ballot in ten or more states in order to meet the definition of candidate, as a necessary, but not sufficient, requirement to obtain funds. We believe this requirement serves to prevent a waste of federal taxpayer resources on truly fringe contenders. The five percent rule serves as an indicator of past support. The ten-state ballot requirement serves as an added, present-day indicator of popular or party support, and indicates that the funds will be used to support a presidential campaign. Meeting this criterion is necessary to qualify as a candidate, but is not sufficient to qualify for public funds.

The Fund Act awards funds not simply to candidates but to “eligible” candidates.<sup>7</sup> And there are only three general types of eligible candidates under the Fund Act.<sup>8</sup> Mr. Buchanan applies to this Commission not as a major party candidate, nor as a candidate who in his own name received more than 5% of the popular vote in 1996, but rather as the “candidate[] of a minor ... party.”<sup>9</sup> But the term “minor party” does not mean any party other than Republican and Democrat. Under the Fund Act, the term “minor party” means “a political party whose candidate ... in the preceding presidential election received, as the candidate of such party,” at least 5 percent but no more than 25 percent

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<sup>6</sup> Statement of Reasons at 11.

<sup>7</sup> See generally, 26 U.S.C. §§9002(4), 9003, 9004(a), and 9006.

<sup>8</sup> The Entitlement portion of the Fund Act contemplates awarding funds to three broad categories of applicants: eligible major party candidates, eligible minor party or new party candidates, and candidates “treated as eligible” by virtue of the percentage of popular vote he or she garnered in the previous election. 26 U.S.C. §§ 9004(a)(1); 9004(a)(2)(A); 9004(a)(2)(B); and 9004(a)(3). Not being 2000 presidential candidates of major parties, Messrs. Hagelin and Buchanan have available the latter two methods of becoming eligible, or treated as eligible for funds. One method requires that an applicant be on the ballot in 10 states in this election, and the applicant himself obtained between 5% and 25% percent of the popular vote in the last election, whether as an independent or as the nominee of one or more non-major parties in that last election. 26 U.S.C. 9004(a)(2)(B). In the 1996 general presidential election, Mr. Hagelin was listed on the ballot in many states as the nominee of the Natural Law Party, but garnered less than one percent of the popular vote, thus failing to be “treated as eligible” for matching funds in the 2000 election, under 26 U.S.C. §9004(a)(2)(B). The other method of is the one relevant to this proceeding. It requires either Mr. Buchanan or Mr. Hagelin to be the eligible candidate of a “minor party,” that is, a party which received more than five but less than 25 percent of the vote in the 1996 election. 26 U.S.C. §§9003(c); 9004(a)(2)(A).

<sup>9</sup> 26 U.S.C. §9003(c).

of the popular vote.<sup>10</sup> This requires at least some determination on our part that the party whose nomination is claimed is, in fact, the party that garnered five percent or more of the vote in the last election.

State ballot access laws are not suited, and in our opinion were not intended by either Congress in passing the Act, or the states in passing their laws, to serve this function. Many states provide no role for party organizations to determine their own nominees for the general election ballot – yet the Act requires us to award funds to the nominee by virtue of his nomination by the party, not merely his independent effort to gather signatures for ballot access. Many states place no limit on the use of a party name so long as it is not already in use. Thus, it would be possible for a party to disband, and for a very different group to appear on the ballot four years later under the same name. The states do not concern themselves with such developments. Thus, recognition by ten states that a candidate is on the ballot under a particular name cannot satisfy the criterion that he be the nominee of the same party that won at least five percent in the last election. In this respect, our analysis is similar to that of Commissioner Sandstrom. We must make some assessment of party history. Our difference with Commissioner Sandstrom is that he seems to view this determination as requiring a far more exhaustive review of party affairs than we do,<sup>11</sup> and he would want a court, rather than the Commission, to take this responsibility.<sup>12</sup>

The Statement of Reasons correctly notes that “[t]he Commission should not entangle itself in the complexities of party rules or procedures *as the Fund Act does not define eligibility in terms of a political party's actions.*”<sup>13</sup> We agree. But to be the eligible candidate of a minor party, one must have been nominated by that party, and in

<sup>10</sup> 26 U.S.C. §9002(7).

<sup>11</sup> See “Memorandum: 2000 General Election Entitlement - Reform Party,” Commissioner Karl J. Sandstrom, at 6-9. (“What determines who the valid nominee of the Reform Party is? The party does. And by ‘party,’ I do not mean the inquiry stops with what the party officers say. ... The answer depends on the rules that were created to govern the Reform Party.”)

<sup>12</sup> Sandstrom Memorandum, *supra*, at 7. (“A court is better suited to resolve the dispute over which individual is the valid nominee of the Reform Party.”) (emphasis subtracted).

<sup>13</sup> Statement of Reasons at 10 (emphasis added).

that limited sense – and that sense only - the Commission must “define eligibility in terms of the political party’s actions.” In this matter, we have before us no substantial reason to doubt that the qualifying Reform party nominated Mr. Buchanan and Ms. Foster. The only reasons to question Mr. Buchanan’s *bona fides* as the party nominee are the challenges to his application, and, as is clear, the violations here alleged are insufficient to deny certification.

The Statement of Reasons characterizes both petitions to deny certification as insubstantial because they merely “relate to events of competing factions of the Reform Party and raise questions regarding which faction is the ‘true’ Reform Party.”<sup>14</sup> The Statement of Reasons responds to the petitioners that this Commission does not pick “true” factions of parties, as the “Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual ... whose name appears on the general ballot as the candidate for that association.”<sup>15</sup> While we agree it is not for us to inquire into the “true” goals of the Reform Party, the Statement of Reasons strikes us as incomplete.<sup>16</sup> It would provide no guidance, other than a race to the Commission, where competing candidates, each on the ballots of ten states and both purporting to be the nominee of the same party, were to apply to the Commission for the same general election funds. We acknowledge that this concern is somewhat hypothetical given that Mr. Hagelin did not appear to have met the ten-state requirement in the first place. But had he done so, the need to trace a nominee from the convention formally recognized and partially funded by this Commission would have been compelling. We believe, therefore, that while the Commission need not pick the “true” goals for the political parties, it must track which faction is properly tied to the successful results in the previous election —

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<sup>14</sup> *Id.*

<sup>15</sup> The exact language of the retort was as follows: “However, the Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual for federal office whose name appears on the general election ballot as the candidate for that association. 11 C.F.R. §9002.15.”

<sup>16</sup> Indeed, John Hagelin and Nat Goldhaber too claim to have been nominated by the Reform Party. See Statement of Reasons, Mangia’s Sworn Supplement, Attachment 2, at 1-2 (“Since the filing of my Original Sworn Statement ... I have become the duly-elected National Party Chair of the Reform Party of the United States of America. In addition, the Reform Party ... has elected John Hagelin ... and Nat Goldhaber as its candidate[s].”)

here, the Reform Party results in the 1996 election. On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds, and, on April 3, 2000, United States Judge Norman K. Moon issued an order awarding those funds to a group headed by Convention Chair and Treasurer Gerald Moan.<sup>17</sup>

In looking to whom the Reform Party nominated at their convention, the proper standard for us to follow is that of the Minnesota Supreme Court in *Democrat Farm Labor State Central Committee v. Holm*.<sup>18</sup> Faced with a similar battle over party rules and delegate credentials, the Court, quoting the North Dakota Supreme Court in *State v. Lavik*<sup>19</sup>, noted: "It is not our province to correct parliamentary errors ..."<sup>20</sup> Rather, the court relied on the rulings made, "whether rightly" or wrongly, of the party chair and committees.<sup>21</sup> Following this standard, we are not required to arbitrate among candidates or interpret party rules and by-laws. In recognizing the Party as a private entity, we do not concern ourselves with whether or not Mr. Buchanan was nominated in strict accordance with party rules.<sup>22</sup> Our only concern is whether or not he is the nominee of the party. Under this standard, there is no difficulty in tracing the Buchanan and Foster nominations to those results, for the relevant facts are undisputed. The challenges themselves<sup>23</sup> agree that on August 8, 2000, a meeting of the Reform Party National Committee was properly convened in Long Beach. It was presided over by the party's

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<sup>17</sup> See *Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>18</sup> 227 Minn. 52; 33 N.W.2d 831 (Minn. 1948).

<sup>19</sup> *State, ex rel. Hans Fosse v. Andrew J. Lavik*, 9 N.D. 461; 83 N.W. 914 (N.D. 1900).

<sup>20</sup> *Democrat Farm-Labor v. Holm*, 227 Minn. 52, at 58; 33 N.W.2d 831 at 834 (Minn. 1948); quoting *State v. Lavik*, 9 N.D. 461 at 462; 83 N.W. 914 at 915 (N.D. 1900).

<sup>21</sup> *Democrat Farm-Labor*, *supra* note 18, at 58; quoting *Lavik*, *supra* note 18, at 462.

<sup>22</sup> See generally, *Cousins v. Wigoda*, 419 U.S. 477 at 496 (1975). (A state cannot compel a national political convention to seat delegates against its will); *Democratic Party of the United States v. Wisconsin, ex rel. LaFollette*, 450 U.S. 107 at 126 (1981).

<sup>23</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1, at 9.

Vice-Chair and Acting Chairman, Gerry Moan.<sup>24</sup> That too seems to be undisputed. What is also undisputed is that certain members of the party, including the petitioners, were unhappy with rulings made by the Party Chairman. Believing these rulings violated party rules, but outvoted at the meeting, they walked out of the convention.<sup>25</sup> But a majority of those who had come for the National Committee meeting stayed and continued on with party affairs. A majority held the convention, attended and chaired by the person in charge of the Convention Committee we had previously certified for convention funding. This convention nominated Patrick J. Buchanan and Ezola Foster for President and Vice President, respectively.

In our view, the statements of Mr. Mangia and other challengers make clear that Mr. Buchanan was nominated by the Reform Party whose nominees are entitled to public funds for the general election. Because Mr. Buchanan and Ms. Foster are on the ballot in ten states, were nominated at the Reform Convention formally recognized and partially funded by this Commission, and have met the other requirements of eligibility under 26 U.S.C. §9003 of the Fund Act, there is no just reason to deny a certification of funds to Patrick J. Buchanan and Ezola Foster.

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<sup>24</sup> *Id.*

<sup>25</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1 at 11.

Finally, it is not inappropriate to briefly address other concerns that have been raised in various comments on the application of Buchanan and Foster. Notably, several commenters have argued, essentially, that we should deny certification of funds to the Buchanan campaign because they consider Buchanan a bad man with unworthy views. In one commenter's words, we should consider that Buchanan's campaign is "built on hatred and destruction," and that public funds going to Buchanan will find their way into the "pockets of people who support bigotry, hatred, and even violence against other Americans."<sup>26</sup> Leaving aside the merits, or lack thereof, to this charge, the Fund Act does not allow discretion to deny certification of funds on the basis of the applicant's political beliefs.

10/18/00  
Date

Danny L. McDonald  
Danny L. McDonald  
Vice-Chairman

10/18/00  
Date

Scott E. Thomas  
Scott E. Thomas  
Commissioner

10/18/00  
Date

Bradley A. Smith  
Bradley A. Smith  
Commissioner

<sup>26</sup> Letter of Donna Donovan, September 9, 2000, submitted *ex parte* and on file with the Commission.





FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission  
Staff Director  
Kim L. Bright

FROM: Mary W. Dove/Veneshe Ferebee-Vines  
Acting Secretary of the Commission

DATE: October 31, 2000

SUBJECT: Statement For The Record For  
LRA #596

Attached is a copy of the Statement For The Record for LRA #596 signed by Commissioner Danny L. McDonald, Commissioner Scott E. Thomas and Commissioner Bradley A. Smith.

This was received in the Commission Secretary's Office on Tuesday, October 31, 2000 at 9:51 a.m.

cc: Vincent J. Convery, Jr.  
Press Office  
Public Information  
Public Records

Attachments



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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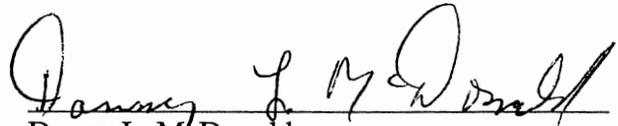
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Reasons - Entitlement of Patrick J. Buchanan and ) LRA #596  
Ezola Foster to \$12,613,452 in Pre-Election )  
Public Funding )

**STATEMENT FOR THE RECORD**

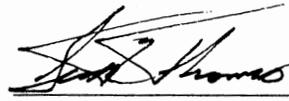
**VICE CHAIRMAN DANNY L. McDONALD; COMMISSIONER SCOTT E. THOMAS; AND COMMISSIONER BRADLEY A. SMITH**

While we have voted for the Statement of Reasons in this matter, our reasons for doing so are more fully explained in our Statement for the Record relating to matters LRA # 598 and LRA #599.

10/26/00  
Date

  
Danny L. McDonald  
Vice-Chairman

10/26/00  
Date

  
Scott E. Thomas  
Commissioner

10/30/00  
Date

  
Bradley A. Smith  
Commissioner

*Public Disclosure*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**MEMORANDUM**

**TO:** The Commissioners  
Staff Director  
Deputy Staff Director  
General Counsel

**FROM:** Office of the Commission Secretary 

**DATE:** October 23, 2000

**SUBJECT:** Statement For The Record  
Final Determination and Statement of Reasons -  
Entitlement of Patrick Buchanan Ezola Foster to  
\$12,613,452 in Pre-election Public Funding (LRA #596)

Attached is a copy of the Statement For The Record signed by  
Commissioner Karl J. Sandstrom. This was received in the Commission  
Secretary's Office on Monday, October 23, 2000 at 2:31 p.m.

cc: Vincent J. Convery, Jr.  
Press Office  
Public Information  
Public Disclosure

Attachment



OCT 23 2 31 PM '00



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

In the Matter of	)	
	)	
Final Determination and Statement of	)	LRA #596
Reasons - Entitlement of Patrick Buchanan and	)	
Ezola Foster to \$12,613,452 in Pre-election	)	
Public Funding	)	

**STATEMENT FOR THE RECORD**

**COMMISSIONER KARL J. SANDSTROM**

For the first time in the history of the Federal Election Commission, this Commission received letters of candidate agreements and certifications, required under 26 U.S.C. § 9003(c) and 11 CFR 9003.1 ("9003 certification"), from two competing individuals, Patrick J. Buchanan and John Hagelin, who both claimed to be the Presidential candidate of the same minor party, the Reform Party. Each requested that the Commission certify to the Treasury that he and his respective running mate were eligible for payment in the full amount to which candidates for President and Vice President of the Reform Party were entitled. On September 14, 2000, the Commission voted unanimously to make a final determination that Patrick Buchanan and his running mate, Ezola Foster, were collectively entitled to \$12,613,452 in general election federal funding as the Reform Party's candidates for President and Vice President.

I write this Statement to explain why my reasons for voting in favor of the final determination differ from those set forth in the Statement of Reasons approved by my

colleagues.<sup>1</sup> In response to my colleagues' statement that "[t]he Commission does not believe that it should entangle itself in the complexities of party rules or procedures as the Fund Act does not define eligibility in terms of a political party's actions,"<sup>2</sup> Part One of this Statement will address why the results of the nominating convention of a minor party are indeed relevant to whether an individual is eligible for general election funding as a minor party candidate. Part Two of this Statement will explain why, in this case, a court was better suited than the Commission to determine which of the disputants was the valid nominee of the Reform Party.

### **1. Eligibility Requirements**

Section 9004 of the Fund Act provides two ways for minor and new party candidates to be eligible for pre-election federal funding: section 9004(a)(2)(B) bases entitlement on the candidate's performance in the preceding election, and section 9004(a)(2)(A) bases entitlement on the minor party's performance in the preceding election.<sup>3</sup> Had Mr. Buchanan himself received at least 5% of the total popular vote as the candidate of a minor party in the 1996 presidential election, his right to funding could be independent of his relationship to the Reform Party.<sup>4</sup> Since he did not, Mr. Buchanan's entitlement to general election federal funding is derived solely from his status as the candidate of the Reform Party. Hence, he must rely on section 9004(a)(2)(A) of the Fund Act and section 9004.2(b) of the regulations, which states, "The eligible candidate of a minor party whose candidate for the office of President in the preceding election received at least 5% but less than 25% of the total popular vote is eligible to receive pre-election payments." If Mr. Buchanan were not the Reform Party's candidate in this election, his

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<sup>1</sup> Statement of Reasons - Entitlement of Patrick Buchanan and Ezola Foster to \$12,613,452 in Pre-election Public Funding, LRA #596, approved by Chairman Wold, Vice Chairman McDonald, and Commissioners Mason, Smith and Thomas (hereafter, "Statement of Reasons"). I note that in connection with LRA #598 and LRA #599, Vice Chairman McDonald, Commissioner Smith, and Commissioner Thomas issued a Statement for the Record which suggests that they do not entirely agree with the Statement of Reasons for LRA #596.

<sup>2</sup> Statement of Reasons, at 6.

<sup>3</sup> 26 U.S.C. § 9004(a)(2). *See also* 11 CFR 9004.2(b)-(c).

<sup>4</sup> *See* 26 U.S.C. § 9004(a)(B); 11 CFR 9004.2(c).

entitlement would be zero.<sup>5</sup> Therefore, it is incorrect to state that “the Fund Act does not define eligibility in terms of a political party’s actions,”<sup>6</sup> since Mr. Buchanan’s eligibility arises from the actions taken by the Reform Party to identify him as its candidate for President.

In fact, the Fund Act goes so far as to provide federal funding for a minor party’s actions relating to the nomination of its presidential candidate.<sup>7</sup> Section 9008(d)(3) of the Fund Act even allows the Commission to waive a national committee’s expenditure limitation for its presidential nominating convention under “extraordinary and unforeseen circumstances,” if such expenditures “are necessary to assure the effective operation of the presidential nominating convention by such committee.”<sup>8</sup> No other expenditure limitation in the Fund Act has such an exception. By protecting the “effective operation” of a presidential nominating convention in this manner, this provision protects a political party’s right to take the actions necessary to nominate its candidate for President, a right that must not be overridden by the regulatory scheme of the Fund Act.

In accordance with section 9008 of the Fund Act, the Reform Party’s Convention Committee received \$2,468,921 in federal funding to hold a nominating convention. If the results of that nominating convention bear no relation to whether Mr. Buchanan is entitled to the Reform Party’s general election federal funding, then I fail to understand what purpose that \$2,468,921 was intended to serve.<sup>9</sup>

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<sup>5</sup> See 26 U.S.C. 9004 and 11 CFR 9004.2.

<sup>6</sup> Statement of Reasons, at 6.

<sup>7</sup> 26 U.S.C. 9008(b)(2) states, “Subject to the provisions of this section, the national committee of a minor party shall be entitled to payments . . . with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive . . . as the number of popular votes received by the candidate for president of the minor party, as such candidate, in the preceding Presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding Presidential election.” See also 11 CFR 9008.4.

<sup>8</sup> 26 U.S.C. § 9008(d)(3).

<sup>9</sup> In Advisory Opinion 2000-6, which related to permissible uses of the convention funds by the Reform Party, the Commission did acknowledge the connection between the convention and the selection of the Reform Party’s candidate. “[E]ven if the selection of the candidate may take place prior to the convention, the convention plays an important role in the candidate selection process.” Advisory Opinion 2000-6, footnote 5. The opinion goes on to explain the selection process, based on section IV(10) of the nominating rules established by the Reform Party: “Not only do the convention delegates choose the Vice Presidential candidate of the party, but under certain circumstances the convention delegates may override the results of the Presidential primary. To override the selection made by party members prior to the convention, a motion to override must be made and joined by the governing bodies of at least a majority of State

Rather than acknowledging the role that a minor party's presidential nominating convention plays in determining that party's nominee, the Statement of Reasons treats the state ballot access test<sup>10</sup> as a nominating process: "The Commission should not substitute its own judgment for that of a state with regard to who should appear on a state ballot as a party nominee."<sup>11</sup> What this statement ignores is the party's own determination of its nominee, as expressed through its nominating process. Indeed, my colleagues' rationale would permit someone to satisfy the Commission's requirements for eligibility without satisfying the requirements of the party itself. Under current state ballot access laws, it is possible that an individual who fails to secure the nomination of a minor party at its nominating convention could be listed nonetheless as that minor party's candidate in at least ten states.<sup>12</sup> Under those circumstances, if the Commission follows my colleagues' Statement of Reasons and looks only to the state ballot access test to determine whether an individual is a minor party's nominee, then the Commission will be substituting state law for the party's own nominating process. It is hard to imagine a more effective way for the government to undermine a minor party's self-determination than to provide a large influx of funds to its losing faction. This could not be the function the ballot access test was intended to serve.

Although there is no legislative history that directly addresses the state ballot access test, it was likely intended as nothing more than a threshold test to determine whether a minor party candidate has sufficient support in a current election to merit federal funding. Since five different individuals could potentially satisfy the state ballot access test, it is ill-suited to serve as a tie-breaker among disputants seeking funding as

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delegations or by the majority of State delegations. However, once the motion is made, it must then receive the vote of two thirds of the delegates of the convention. At that point, the Presidential nominee is then chosen by majority vote of the delegates to the convention."

<sup>10</sup> "State ballot access test" refers to the requirement that, in order to satisfy the definition of "candidate" for President or Vice President, an individual must have qualified to have his name on the election ballot as the candidate of a political party for election in 10 or more states. *See* 26 U.S.C. § 9002(2)(B). This requirement does not apply to major party candidates. *See* 26 U.S.C. § 9002(2)(A).

<sup>11</sup> Statement of Reasons, at 6.

<sup>12</sup> Although by now Mr. Buchanan may have succeeded in replacing Mr. Hagelin as the Reform Party candidate in all states where Mr. Hagelin was so listed, Mr. Hagelin did succeed initially in being listed as the Reform Party candidate in several states, showing how state ballot access laws can yield different results, and how the valid nominee - in this case, Mr. Buchanan - must divert his campaign resources to fight legal battles arising from those different results.

candidates of the same minor party. The Fund Act and its regulations entitle only one individual to federal funding as the Presidential candidate of a minor party. The definition of “minor party” rests on the definition of “political party,” which is defined as an entity “which nominates or selects an individual for election to any Federal office . . . .”<sup>13</sup> Thus, the Commission should not rely on the state ballot access test alone to resolve disputes among individuals claiming to be candidates of the same minor party.

## **2. Due Process Requirements**

If, as I have stated, a candidate must be nominated or selected by a minor party in order to be eligible for funding under 11 CFR 9004.2(b), the question arises as to how the Commission will determine whether a candidate is indeed the nominee of a minor party. Ordinarily, the Commission could confirm, if necessary, that a candidate was nominated by a minor party by relying on the representations of a party officer of the party in question. In this case, however, competing factions of the Reform Party claimed to be its party officers, and the Commission received affidavits, transcripts, and news reports indicating a dispute existed over who was validly nominated at the Reform Party’s nominating convention in August 2000. Our statute and regulations provide no procedure for resolving a dispute between individuals competing for the same minor party federal funding. Given that \$12.6 million was at stake and only one individual could properly be entitled to it, I believe that the resolution of this dispute required procedural protections that the Commission was ill-equipped to provide.

Due process is flexible and calls for such procedural protections as the particular situation demands.<sup>14</sup> The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner.”<sup>15</sup> Since the Commission faced a dispute over a statutory entitlement, each of the claimants deserved notice and an

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<sup>13</sup> 11 CFR 9002.15. *See also* 11 CFR 9002.1: “If a party has nominated a Presidential and a Vice Presidential candidate, all political committees authorized by that party’s Presidential candidate shall also be authorized committees of the Vice Presidential candidate and all political committees authorized by the Vice Presidential candidate shall also be authorized committees of the Presidential candidate.”

<sup>14</sup> *Mathews v. Eldridge*, 424 U.S. 319, 335 (1975).

<sup>15</sup> *Eldridge*, 424 U.S. at 333.

opportunity to be heard before the Commission granted funding to one claimant and denied funding to the other. Because of these procedural necessities, a court was better equipped than the Commission to adjudicate this matter in a fair and expeditious manner. Furthermore, there was no reason why the Commission, and not a court, would have been better suited to perform a finding of fact and make a legal analysis about the nominating procedures of the Reform Party, since analyzing the constitution of the Reform Party does not invoke the Commission's expertise or fall within the Commission's exclusive jurisdiction.<sup>16</sup>

For these reasons, my approval of funding for Mr. Buchanan is based, in part, on *Reform Party of the United States of America v. John Hagelin*.<sup>17</sup> In that case, the court conducted a hearing and concluded that Mr. Buchanan, not Mr. Hagelin, was nominated in conformity with the Reform Party's constitution.<sup>18</sup> Because my concerns about due process and the need to determine the results of the Reform Party's nominating process were put to rest by *Reform Party v. Hagelin*, I cast my vote in favor of the final determination.



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10/23/2000  

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Date

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<sup>16</sup> See Memorandum, dated September 12, 2000, from Commissioner Karl J. Sandstrom to the Commission, at 7-11.

<sup>17</sup> *Reform Party of the United States of America v. John Hagelin, et al.*, Case No. NC 028469 (Super. Ct. Cal. S.D. September 13, 2000) (order granting preliminary injunction). See Attachment 1. I note that Mr. Hagelin did not appeal this order, thus making it the final adjudication of this matter.

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**SEP 15 2000**  
**SUPERIOR COURT**

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16 Attorneys for Plaintiff Reform Party of the United States  
17 and Cross-Defendants Gerald M. Moan, Tom McLaughlin, Phil  
18 Alexander, and Frank Reed

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
20 FOR THE COUNTY OF LOS ANGELES, SOUTH DISTRICT

21 REFORM PARTY OF THE UNITED )  
22 STATES OF AMERICA, )

Case No. NC 028469

23 Plaintiff, )

[Hon. James L. Wright]

24 vs. )  
25 JOHN HAGELIN, et al., )  
26 Defendants. )

PRELIMINARY INJUNCTION

DATE: SEPTEMBER 13, 2000  
TIME: 8:30 a.m.  
DEPT: "S"

27 REFORM PARTY OF THE UNITED )  
28 STATES OF AMERICA, et al., )

Cross-Complainants )

29 vs. )  
30 GERALD M. MOAN, et al., )

Cross-Defendants. )

RECEIVED  
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OFFICE OF GENERAL  
COUNSEL  
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COMMISSION  
SECRETARIAT  
2000 SEP 27 P 4:13

1 The Court having considered Plaintiff's Motion for  
2 Preliminary Injunction, Defendants' Opposition thereto, and the  
3 argument of counsel, and good cause appearing therefor:

4 The Court states:

5 When James Mangia left the National Committee Meeting  
6 ("Meeting") of the Reform Party of the United States ("Reform  
7 Party"), he failed to give notice to the remaining unchallenged  
8 delegates of his intent to convene an alternate Meeting. Mangia  
9 also failed to give notice to any of the remaining, unchallenged  
10 delegates, including Gerald Moan, that a vote would be taken to  
11 remove Gerald Moan as Chair of the Reform Party. This lack of  
12 notice violated the due process requirements of the Reform Party  
13 Constitution. Consequently, James Mangia could not be nominated  
14 or elected to hold the position as Chair of the Reform Party and  
15 Gerald Moan remains as Chair.  
16

17 The Meeting and Convention chaired by Gerald Moan were  
18 conducted in conformity with the Reform Party Constitution. The  
19 Meeting and Convention chaired by James Mangia, which resulted in  
20 the John Hagelin nomination, violated the Reform Party  
21 Constitution.

22 Based thereon, the Court makes the following Findings of  
23 Fact:

24 FINDINGS OF FACT

- 25
- 26 1. Plaintiff will suffer irreparable injury if the
  - 27 requested injunctive relief is not granted.
  - 28 2. At the Reform Party's National Convention, Patrick

1 J. Buchanan was properly nominated as the party's  
2 candidate for President and Ezola Foster was  
3 nominated as its candidate for Vice President. The  
4 nominations were in conformity with the Reform  
5 Party Constitution.

- 6 3. Defendants are currently holding John Hagelin out  
7 to the public, Reform Party members, State  
8 governments, the Federal Elections Commission and  
9 others as the official Presidential candidate of  
10 the Reform Party. *AND NAT Goldhaber as Vice Presidential*  
11 *Candidate*  
12 4. Defendants are currently stating to the public,  
13 Reform Party members, State governments, the  
14 Federal Elections Commission and others that  
15 Buchanan and Foster are not the legitimate nominees  
16 of the Reform Party.  
17 5. Defendants are currently controlling the Reform  
18 Party's website to the exclusion of the duly  
19 elected officers of the Reform Party.  
20 6. Unless Defendants are enjoined, the Reform Party  
21 will be irreparably harmed by the public confusion  
22 resulting from Defendants' actions.  
23 7. Unless Defendants are enjoined, the public's  
24 confidence in the Reform Party, its management and  
25 its leadership will be diminished, to the  
26 irreparable harm of the Reform Party.  
27 8. Unless Defendants are enjoined, the Reform Party's  
28 ability to communicate with the public will be  
irreparably harmed.

- 1 9. There is a substantial likelihood that Plaintiff  
2 will succeed on the merits of this action because  
3 Defendants have no colorable claim that they are,  
4 or represent, the official Reform Party of the  
5 United States of America or the official candidate  
6 of the Reform Party.
- 7 10. The National Convention of the Reform Party was  
8 ~~chaired by Gerald Moan~~ <sup>conducted</sup> in conformity with the  
9 Reform Party Constitution.
- 10 11. John Hagelin and Nat Goldhaber were not nominated  
11 or selected to serve as candidates of the Reform  
12 Party.
- 13 12. Denial of injunctive relief will cause greater  
14 injury to Plaintiff than the grant of relief will  
15 to Defendants because Defendants have no right to  
16 assert themselves as the representatives or  
17 candidates of the Reform Party.
- 18 13. Issuance of injunctive relief will serve the public  
19 interest by preserving the Reform Party.

20  
21 PRELIMINARY INJUNCTION

22 IT IS ORDERED that Defendants John Hagelin, James Mangia, Nat  
23 Goldhaber, Sue Harris DeBauche, Dror Bar-Sadeh, Harry Kresky and  
24 their representatives, agents, servants, employees and attorneys,  
25 or anyone acting on their behalf or under their alleged authority,  
26 are hereby enjoined from:

- 27 (1) solicitation and/or collection of donations on behalf  
28 of the Reform Party of the United States;

- 1 (2) distribution of Press Releases on behalf of the Reform  
2 Party of the United States;
- 3 (3) operation of an website on behalf of the Reform Party  
4 of the United States;
- 5 (4) expenditure of funds on behalf of the Reform Party of  
6 the United States;
- 7 (5) solicitation of party members on behalf of the Reform  
8 Party of the United States America;
- 9 (6) undertaking any effort or committing ant act to promote  
10 John Hagelin and Nat Goldhaber as the official  
11 candidates of the Reform Party of the United States of  
12 America;
- 13 (7) making any use of the name of the Reform Party of the  
14 United States of America or any substantially similar  
15 variant or derivation thereof;
- 16 (8) making use of any logos, non-textual trademarks,  
17 service marks, or similar marks belonging to the Reform  
18 Party of the United States of America; and
- 19 (9) making any oral, written, electronic or other  
20 communication on behalf of the Reform Party of the  
21 United States of America;

22 IT IS FURTHER ORDERED that Plaintiff shall post a bond of  
23 \$50,000, or deposit that sum with the Court in lieu of a bond,  
24 within twenty-four hours of entry of this Order.

25 Dated: September \_\_, 2000

SEP 15 2000 JUDGE WRIGHT

Honorable James L. Wright,  
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the aforesaid County, State of California; I  
4 am over the age of 18 years and not a party to the within action;  
5 my business address is 2029 Century Park East, Suite 900 Los  
Angeles, California 90067-2910.

6 On September 15, 2000, I served the foregoing **PROPOSED**  
7 **PRELIMINARY INJUNCTION** on the interested parties in this action by  
8 placing a true copy thereof, enclosed in a sealed envelope,  
addressed as follows:

9 Please See Attached Service List

10 X BY MAIL

11  
12 X As follows: I am "readily familiar" with the firm's  
13 practice of collection and processing correspondence for mailing.  
14 Under that practice it would be deposited with the U.S. Postal  
15 Service on that same day with postage thereon fully prepaid at Los  
16 Angeles, California, in the ordinary course of business. I am  
aware that on motion of the party served, service is presumed  
invalid if postal cancellation date or postage meter date is more  
than one day after date of deposit for mailing in affidavit.

17        (BY PERSONAL SERVICE) I caused each such envelope to be  
delivered by hand to the offices of the addressee.

18 X (BY FAX) I caused a true and correct copy of said document  
19 to be transmitted via electronic facsimile machine and then placed  
20 for deposit in the U. S. Mail with postage thereon fully prepaid.

21 X (State) I declare under penalty of perjury under the laws of  
the State of California that the foregoing is true and correct.

22        (Federal) I declare that I am employed in the office of a  
23 member of the bar of this court at whose direction the service was  
24 made.

25 Executed on September 15, 2000, at Los Angeles, California.

26   
27 Marva Sasso

**Reform Party v. Hegelin, et al.  
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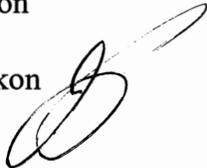


FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 12, 2000

**MEMORANDUM**

**TO:** The Commission

**THROUGH:** James A. Pehrkon  
Staff Director 

**FROM:** Lawrence M. Noble  
General Counsel

**BY:** Kim Leslie Bright   
Associate General Counsel

Gregory R. Baker   
Special Assistant General Counsel

**SUBJECT:** Statements of Reasons -- Requests to Deny Certification of Public Funds  
to Patrick J. Buchanan and Ezola Foster (LRA #598/599)

RECEIVED  
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COMMISSION  
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2000 OCT 13 P 12:34

On September 28, 2000, this Office circulated the draft Statements of Reasons addressing the requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster. The draft Statements included language that concluded that the submissions were not properly before the Commission at subsection III.B.1. However, on October 3, 2000, the Commission failed by a vote of 3-3 to approve the rationale set forth at subsection III.B.1. The Commission approved the rationale set forth at subsection III.B.2. by a vote of 5-0 (substantive arguments supporting denial of requests). As a result, this Office is circulating the attached Statements of Reasons which delete subsection III.B.1. as a basis for denying the requests. *See* Attachments A and B. This Office has also modified the first part of section III.B. to delete references to the requests not being properly before the Commission.

**RECOMMENDATIONS**

The Office of General Counsel recommends that the Commission:

1. Approve the attached draft Statements of Reasons denying the requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster; and
2. Approve the appropriate letters.

**Attachments**

- A. Proposed Statement of Reasons Denying Mr. James Mangia's Submission Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick Buchanan and Ms. Ezola Foster.
- B. Proposed Statement of Reasons Denying the New York Delegation's Submission Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick Buchanan and Ms. Ezola Foster.

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3  
4 In the Matter of )  
5 )  
6 Request by Mr. James Mangia ) LRA #598  
7 to Deny Certification of Public Funds )  
8 to Patrick J. Buchanan and )  
9 Ezola Foster )  
10 )

11  
12  
13 **STATEMENT OF REASONS**

14  
15 **I. INTRODUCTION**

16 On September 14, 2000, the Commission denied a submission filed by Mr. James  
17 Mangia requesting that the Commission withhold certification of public funding to  
18 Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign under the  
19 Presidential Election Campaign Act, 26 U.S.C. §§ 9001-9013 ("Fund Act"). This  
20 Statement of Reasons sets forth the legal and factual basis for the Commission's  
21 determination.

22 **II. BACKGROUND**

23 On August 11, 2000, Mr. James Mangia filed a submission requesting that the  
24 Commission deny certification of Patrick J. Buchanan and Ezola Foster to receive public  
25 funding for the 2000 presidential general election. *See* Attachment 1. On August 31,  
26 2000, Mr. Mangia filed a supplement. *See* Attachment 2. On September 6, 2000, Mr.  
27 Buchanan filed a response to the Mangia submission. *See* Attachment 3.

28 On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of  
29 candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R.

1 § 9003.1. In a letter dated August 24, 2000, the Commission requested that the  
2 candidates provide evidence demonstrating that they had qualified to appear on the  
3 general election ballot in ten or more states as nominees of the Reform Party.  
4 Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation  
5 indicating that they have qualified to appear on the general election ballots as the  
6 nominees of the Reform Party in at least ten states.

7 In his submission, Mr. Mangia alleges that Mr. Buchanan “knowingly and  
8 willfully submitted and/or are preparing to knowingly and willfully submit false, fictitious  
9 and fraudulent information to the FEC, in violation of Federal Campaign Funding Law.”<sup>1</sup>  
10 See Attachment 1, page 4. As a result, Mr. Mangia requests that until these allegations  
11 are fully investigated, the Commission should “withhold making its decision regarding  
12 certification of the Reform Party nominee for the Office of the President of the United  
13 States.” *Id.* at 14.

14 The challenge asserts that Patrick J. Buchanan and his supporters attempted to  
15 “override the directives and resolutions by the PNC [Presidential Nominating Committee]  
16 and the Executive Committee and the proper and lawfully constituted Reform Party of the  
17 United States of America, now that the respondents have control of a rogue faction,  
18 claiming to be the Reform Party of the United States of America.” *Id.* at 12. Mr. Mangia  
19 asserts that Mr. Buchanan and his supporters sought to abolish the Rules for the selection  
20 of Reform Party of the United States Nominees for President and Vice President of the  
21 United States, which is expressly prohibited in a presidential election year, “and conduct

---

<sup>1</sup> In his supplement, Mr. Mangia provided updated information regarding Mr. Buchanan’s nomination and additional evidence supporting his claims. See Attachment 3.

1 an invalid floor vote at an illegal convention, or utilize the invalid and improper ballots to  
2 purportedly win the Reform Party Primary, and thereby wrongfully and fraudulently  
3 attempt to become the purported Reform Party Nominee for the Office of the President of  
4 the United States.” *Id.* at 12-13.

5 The challenge concludes that the actions by Mr. Buchanan and his supporters  
6 constitute balloting and voter fraud. *Id.* at 13. Moreover, Mr. Mangia alleges that any  
7 representation to the Commission by Patrick Buchanan that he is the valid and lawful  
8 Reform Party nominee for Office of the President of the United States, constitutes a false,  
9 fictitious, and fraudulent representation to the Commission, in violation of 26 U.S.C.  
10 § 9012(d)(1).

11 Mr. Mangia also alleges that Angela “Bay” Buchanan violated the law by  
12 demanding that the Reform Party enter into a “secret agreement” to keep the names on  
13 the “Pat Buchanan supporter list” secret.<sup>2</sup> *Id.* at 13. The challenge states that federal  
14 election laws make it a criminal offense for the administrators of a presidential primary  
15 election to fail to retain the records of the primary for a period of 22 months, and that it is  
16 a crime for anyone to destroy such records before expiration of the 22-month period. *Id.*  
17 *See* 42 U.S.C. § 1974.

18 In his response to Mr. Mangia’s submission, Mr. Buchanan asserts that the  
19 allegations involve matters relating solely to the “internal operations of the Reform Party  
20 of the United States of America, which are governed by its Constitution and other  
21 organizational documents, and not by the Act or the Fund Act.” *See* Attachment 3, at 1

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<sup>2</sup> The “Pat Buchanan supporter list” consisted of 500,000 names which were submitted to the Reform Party Nominating Committee for the purpose of participating in the Reform Party presidential primary. *See* Attachment 1, at 27.

1 and 2. Mr. Buchanan states that the Commission should not consider submissions “about  
2 the internal processes of the Reform Party leading up to the Convention or at the  
3 Convention, such as the seating of Convention delegates.” *Id.* at 5. Mr. Buchanan further  
4 contends that the Commission should look only to the results of the Reform Party  
5 Convention, and should not “entertain Mr. Mangia’s allegations of irregularity in the  
6 process under the Reform Party Rules.” *Id.* at 7. Moreover, Mr. Buchanan asserts that  
7 he and Ms. Foster were in fact nominated by the Reform Party Convention and that any  
8 statement to the contrary is false. Mr. Buchanan asserts that the representation that John  
9 Hagelin is the nominee for the Office of President of the United States for the Reform  
10 Party of the United States of America is invalid, “as it has absolutely no legal support,  
11 and is clearly a claim asserted without authorization from the official Reform Party of the  
12 United States of America.” *Id.* at 6. In addition, Mr. Buchanan asserts that Mr. Mangia’s  
13 behavior at the National Committee Meeting demonstrates a lack of “good faith” on the  
14 part of Mr. Mangia and Dr. Hagelin. *Id.* at 9. Accordingly, Mr. Buchanan requests that  
15 the Commission dismiss Mr. Mangia’s submission. *Id.* at 10.

16 **III. COMMISSION DECISION**

17 **A. LEGAL FRAMEWORK**

18 The Fund Act provides that the eligible candidates of a minor party in a  
19 presidential election shall be entitled to pre-election funding. 26 U.S.C. § 9004(a)(2)(A).  
20 *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C. § 9004(a)(2), the amount of the minor  
21 party candidate’s entitlement is the proportionate amount of the funding available for  
22 major party general election candidates, based on the ratio of the total popular votes  
23 received by the minor party candidate in the preceding election compared to the average

1 of the total popular votes received by the major party candidates for President in that  
2 election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act provides that the Commission  
3 shall certify to the Secretary of the Treasury payment to eligible candidates in the full  
4 amount to which they are entitled not later than 10 days after they have met all applicable  
5 conditions for eligibility. 26 U.S.C § 9005(a). *See also* 11 C.F.R. § 9005.1(b).

6 The Fund Act defines “candidate” as an individual who has been nominated for  
7 election to the office of President of the United States or the office of Vice President of  
8 the United States by a major party, or has “qualified to have his name on the election  
9 ballot (or to have the names of electors pledged to him on the election ballot) as the  
10 candidate of a political party for election to either such office in 10 or more states.” 26  
11 U.S.C. § 9002(2).

12 The Commission’s regulations define “political party” as an “association,  
13 committee, or organization which nominates or selects an individual for election to any  
14 Federal office, including the office of President or Vice President of the United States,  
15 whose name appears on the general election ballot as the candidate of such association,  
16 committee, or organization.” 11 C.F.R. § 9002.15.

17 The Commission has on several occasions considered petitions to deny  
18 certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale*  
19 *Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the  
20 Commission has acted to deny funds based on information obtained internally, without a  
21 petition from an interested party, or based on inadequacies detected in a candidate’s  
22 submission for matching funds. *See, e.g., Committee to Elect Lyndon LaRouche v. FEC*,

1 613 F.2d 834 (D.C. Cir. 1979) (“*CTEL*”); *LaRouche v. FEC*, 996 F.2d 1263 (D.C. Cir.  
2 1993).

3 The Court of Appeals for the District of Columbia Circuit considered  
4 Commission action with respect to the matching fund certification process during the  
5 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTETL*,  
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9 candidates” so that they “will have the money [they] need at a time when its availability is  
10 most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy  
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14 Commission may reject certification if a matching fund request: (1) was not properly  
15 documented to meet threshold requirements, and (2) contained “patent irregularities  
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19 Reagan and vice-presidential candidate George Bush were not eligible for public funding  
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21 had been or would be violated by the candidates. While the petition was pending before  
22 the Commission, the Carter-Mondale Committee petitioned the D.C. Circuit to adjudicate  
23 the issue. Following the Commission’s certification of funds to the Reagan-Bush

1 campaign, the D.C. Circuit ruled that the petition filed with it was “premature on the  
2 statutory ground that it violates the FEC’s exclusive jurisdiction.” *In re Carter-Mondale*,  
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4 Commission can investigate allegations concerning the certification of public funds when  
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6 committed,” while also being cautious to avoid “overstep[ping] its authority by  
7 interfering unduly in the conduct of elections.” *Id.* at 544-45. The court also criticized  
8 the allegations made by the Carter-Mondale Committee as addressing future conduct and  
9 for being “highly speculative.” *Id.* at 543. <sup>3</sup>

10 During the 1992 election cycle, the Commission denied certification to Lyndon  
11 LaRouche and considered a petition to deny public funding to the Clinton/Gore ‘92  
12 General Election Committee. The Commission’s denial of certification to Mr. LaRouche,  
13 which was based on his prior transactions with the Commission and his federal  
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15 Commission was “not authorized to appraise candidates’ good faith, honesty, probity, or  
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17 noted that “any inquiry into the bonafides of candidates’ promises would take the  
18 Commission into highly subjective territory that would imperil the assurance of even-  
19 handed treatment.” *Id.*

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<sup>3</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of payment of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the

1 In the same election cycle, the Commission considered a petition filed by the  
2 Republican National Committee ("RNC") against the Clinton/Gore '92 campaign  
3 wherein the RNC alleged that the Clinton/Gore campaign impermissibly received funding  
4 from the Democratic National Committee through payments for a "town meeting." The  
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6 violations occurred in the subject transaction which would require the withholding of  
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8 underlying factual issues were in dispute, and that the appropriate forum to address the  
9 questions was the enforcement or audit context. Statement of Reasons, *Petition to Deny*  
10 *Certification of Matching Funds to Governor Bill Clinton*, approved June 25, 1992.

11 Further applying the standards articulated by the courts, the Commission rejected  
12 three requests to suspend or deny certification of public funds in the 1996 presidential  
13 election cycle. *See* Statement of Reasons, *Request to Deny Public Funds to H. Ross*  
14 *Perot and Perot '96*, approved October 17, 1996 (the Commission denied the request by  
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18 denied the request by the Democratic National Committee to suspend matching payments  
19 to the Dole for President Committee); Statement of Reasons, *Petition to Deny*  
20 *Certification of Matching Funds to the Clinton/Gore '96 Primary Committee, Inc.*,  
21 approved September 12, 1996 (the Commission denied the request by the Dole for

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Commission's decision to deny the RNC's petition to the stop certification of payments to Dukakis/Bentsen.  
*See Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

1 President Committee to suspend matching payments to the Clinton/Gore '96 Primary  
2 Committee).

3 The Presidential Election Campaign Fund Act makes it unlawful for any person to  
4 knowingly and willfully furnish false, fictitious, or fraudulent evidence or information to  
5 the Commission relevant to a certification by the Commission. 26 U.S.C.

6 § 9012(d)(1)(A). The Fund Act provides for criminal penalties for any person who  
7 violates this provision. 26 U.S.C. § 9012(d)(2).

8 Under the Civil Rights Act of 1960, every officer of an election is required to  
9 “retain and preserve, for a period of twenty-two months all records and papers which  
10 come into his possession relating to any application, registration, payment of poll tax, or  
11 other act requisite to voting in such election ....” 42 U.S.C. § 1974. The Civil Rights Act  
12 further provides that, “[a]ny officer of election or custodian who willfully fails to comply  
13 with this section shall be fined not more than \$1,000 or imprisoned not more than one  
14 year, or both.” *Id.*

15 **B. DISCUSSION**

16 The Commission has rejected Mr. Mangia’s request to deny certification of  
17 Patrick J. Buchanan and Ezola Foster for public funding for the 2000 general election.  
18 The allegations made against Mr. Buchanan and Ms. Foster do not satisfy the substantial  
19 burden that must be met to withhold certification of public funds. While not purely  
20 ministerial, the Commission’s review of public funding applications is limited to  
21 determining whether the applications adequately comply with the eligibility requirements  
22 set forth in the Fund Act. The Fund Act obligates the Commission to make an initial  
23 determination within 10 days of the candidate’s meeting all applicable conditions for

1 eligibility. 26 U.S.C. § 9005. Absent patent irregularities suggesting the possibility of  
2 fraud, the Commission is precluded from withholding funds from a candidate “once the  
3 objective criteria for eligibility are met, because of the important constitutional free  
4 speech considerations inherent in public campaign financing.” *In re Carter-Mondale*  
5 *Reelection Committee, Inc.*, 642 F.2d 538, 544 (D.C. Cir. 1980). To justify withholding  
6 funding, the Commission should have a reasonable belief that patent fraud or another  
7 major violation has occurred. *See LaRouche*, 996 F.2d at 1267. The Commission should  
8 also avoid basing its findings on speculative allegations and should favor a policy that  
9 allows for prompt payments of public funds, even if it must forgo a thorough  
10 investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does not  
11 possess evidence that Mr. Buchanan’s application for public funds contains patent  
12 irregularities or the possibility of fraud.

13           Moreover, Mr. Mangia’s allegations primarily relate to the Reform Party’s  
14 internal rules and procedures. The Fund Act’s definition of “candidate” explicitly  
15 requires the Commission to rely on the states’ determinations of who appears on the  
16 general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R.  
17 § 9002.2(a)(2). The Commission should not entangle itself in the complexities of party  
18 rules or procedures as the Fund Act does not define eligibility in terms of a political  
19 party’s actions. Thus, the Commission should not substitute its own judgment for that of  
20 a state with regard to who should appear on a state ballot as a party nominee. *See*  
21 *Statement of Reasons, Request to Deny Funds to H. Ross Perot and Perot '96*, approved  
22 October 17, 1996. Similarly, Mr. Mangia’s submission relates to events of competing  
23 factions of the Reform Party and raises questions regarding which faction is the “true”

1 Reform Party. However, the Commission's regulations indicate that a "political party" is  
2 an association that nominates or selects an individual for federal office whose name  
3 appears on the general election ballot as the candidate for that association. *See* 11 C.F.R.  
4 § 9002.15. As Mr. Buchanan and Ms. Foster have submitted documentation  
5 demonstrating that they have qualified to appear on numerous general election ballots as  
6 Reform Party candidates, they meet the Fund Act's definition of "candidate," and the  
7 Reform Party, under whose designation they run, meets the definition of "political  
8 party." *See also* Advisory Opinion 1998-2 (The Commission has recognized the Reform  
9 Party as a political party).

10 Finally, Mr. Mangia alleges violations of the criminal provisions of the Fund Act  
11 and the Civil Rights Act of 1960. While the Commission has exclusive jurisdiction for  
12 the civil enforcement of the Fund Act, the Department of Justice is charged with  
13 prosecuting violations of the Civil Rights Act of 1960. Such violations are not relevant to  
14 certification decisions under the Fund Act. Rather, they are more appropriately  
15 considered in the context of an enforcement matter, audit, or similar investigation.

16 Therefore, consistent with past Commission practice and judicial precedent, the  
17 Commission rejects the request by James Mangia to withhold certification of public funds  
18 to Mr. Buchanan and Ms. Foster.

19 **IV. COMMISSION DETERMINATION**

20 For the foregoing reasons, the Commission has denied the request of Mr. James  
21 Mangia to deny certification of public funds for the 2000 general election to Mr. Patrick  
22 J. Buchanan and Ms. Ezola Foster.

23

1 Attachments

- 2 1. Mr. James Mangia's Submission Requesting that the Commission Deny  
3 Certification of Public Funds to Patrick Buchanan and Ezola Foster, dated  
4 August 10, 2000.  
5  
6 2. Supplement to Mr. James Mangia's Submission, dated August 29, 2000.  
7  
8 3. Mr. Patrick J. Buchanan's Response, dated September 5, 2000.  
9

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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In the Matter of )  
)  
Request by the New York Delegation ) LRA #599  
to Deny Certification of Public Funds )  
to Patrick J. Buchanan and )  
Ezola Foster )  
)

13 **STATEMENT OF REASONS**

14  
15 **I. INTRODUCTION**

16 On September 14, 2000, the Commission denied the request of the New York  
17 Delegation to the Reform Party convention to withhold certification of public funds to  
18 Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign.<sup>1</sup> The  
19 Commission has determined that the request failed to provide a sufficient basis for  
20 denying Mr. Buchanan and Ms. Foster public funding. This Statement of Reasons sets  
21 forth the legal and factual basis for the Commission's determination.

22 **II. BACKGROUND**

23 On August 29, 2000, the New York Delegation to the Reform Party convention  
24 ("New York Delegation") filed a submission requesting that the Commission not certify  
25 Patrick J. Buchanan and Ezola Foster as the recipients of the 2000 general election public  
26 funds. See Attachment 1.

27

<sup>1</sup> The challenge by the New York Delegation was submitted by the following 17 individuals: (1) Frank M. MacKay; (2) Cathy Stewart; (3) Philip Goldstein; (4) David Lewis; (5) Daniel Forbes; (6) Gerald Everett; (7) Lenora Fulani; (8) Eve Rose; (9) Robert Conroy; (10) Luvenia Suber; (11) Ainka Fulani; (12) Sheryl Williams; (13) Sarah Lyons; (14) Kitty Reese; (15) Jessie Fields; (16) Allen Cox; and (17) Tara Lewis.

1 On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of  
2 candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R.  
3 § 9003.1. In a letter dated August 24, 2000, the Commission requested that the  
4 candidates provide evidence demonstrating that they had qualified to appear on the  
5 general election ballot in ten or more states as nominees of the Reform Party.  
6 Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation  
7 indicating that they have qualified to appear on the general election ballots as the  
8 nominees of the Reform Party in at least ten states. As a result, Mr. Buchanan and Ms.  
9 Foster met the applicable conditions to receive pre-election public funding on August 29,  
10 2000.

11 In their submission, the New York Delegation asserts that Patrick Buchanan and  
12 Ezola Foster cannot claim to be the nominees of the Reform Party since “they and those  
13 acting on their behalf subverted and then rescinded the Reform Party primary and were  
14 nominated by a convention which accepted delegates not on the basis of the Reform Party  
15 constitution, but on the basis of whether or not they supported Mr. Buchanan.”  
16 Attachment 1, page 6. The challenge states that another convention was held  
17 simultaneously which claimed to be the legitimate Reform Party convention, and that this  
18 convention seated the New York Delegation and recognized John Hagelin as the winner  
19 of the national primary in light of Mr. Buchanan’s disqualification. *Id.* As a result, the  
20 New York Delegation requests that the Commission “not certify Patrick J. Buchanan and  
21 Ezola Foster as the recipients of general election funds pursuant to 26 U.S.C. § 9005, and  
22 that he be further sanctioned for the illegal actions described herein.” *Id.* at 7.

1 **III. COMMISSION DECISION**

2 **A. LEGAL FRAMEWORK**

3 The Presidential Campaign Fund Act (“the Fund Act”) provides that the eligible  
4 candidates of a minor party in a presidential election shall be entitled to pre-election  
5 funding. 26 U.S.C. § 9004(a)(2)(A). *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C.  
6 § 9004(a)(2), the amount of a minor party candidate’s entitlement is the proportionate  
7 amount of the funding available for major party general election candidates, based on the  
8 ratio of the total popular votes received by the minor party candidate in the preceding  
9 election compared to the average of the total popular votes received by the major party  
10 candidates for President in that election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act  
11 provides that the Commission shall certify to the Secretary of the Treasury payment to  
12 eligible candidates in the full amount to which they are entitled not later than 10 days  
13 after they have met all applicable conditions for eligibility. 26 U.S.C § 9005(a). *See also*  
14 11 C.F.R. § 9005.1(b).

15 The Fund Act defines “candidate” as an individual who has been nominated for  
16 election to the office of President of the United States or the office of Vice President of  
17 the United States by a major party, or has “qualified to have his name on the election  
18 ballot (or to have the names of electors pledged to him on the election ballot) as the  
19 candidate of a political party for election to either such office in 10 or more states.”  
20 26 U.S.C. § 9002(2).

21 The Commission’s regulations define “political party” as an “association,  
22 committee, or organization which nominates or selects an individual for election to any  
23 Federal office, including the office of President or Vice President of the United States,

1 whose name appears on the general election ballot as the candidate of such association,  
2 committee, or organization.” 11 C.F.R. § 9002.15.

3 The Commission has on several occasions considered petitions to deny  
4 certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale*  
5 *Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the  
6 Commission has acted to deny certification of funds based on information obtained  
7 internally, without a petition from an interested party, or based on inadequacies detected  
8 in a candidate’s submission for matching funds. *See, e.g., Committee to Elect Lyndon*  
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10 1263 (D.C. Cir. 1993).

11 The Court of Appeals for the District of Columbia Circuit considered  
12 Commission action with respect to the matching fund certification process during the  
13 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTCL*,  
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15 matching funds because of irregularities uncovered during an audit of his threshold  
16 submission. The *CTEL* court stressed the importance of “prompt payments to eligible  
17 candidates” so that they “will have the money [they] need at a time when its availability is  
18 most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy  
19 favoring prompt payments to eligible candidates ... circumscribe[s] to a certain extent the  
20 scope of the Commission’s investigative role during the certification process.” *Id.*  
21 Nevertheless, the D.C. Circuit upheld the Commission’s action holding that the  
22 Commission may reject certification if a matching fund request: (1) was not properly

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2 suggesting the possibility of fraud.” *Id.* at 842.

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<sup>2</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the Commission’s decision to deny the RNC’s petition to stop certification of payments to Dukakis/Bentsen. *See Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

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16 violations occurred in the subject transaction which would require the withholding of  
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19 questions was the enforcement or audit context. Statement of Reasons, *Petition to Deny*  
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21           Further applying the standards articulated by the courts, the Commission rejected  
22 three requests to suspend or deny public funds in the 1996 presidential election cycle. *See*  
23 Statement of Reasons, *Request to Deny Public Funds to H. Ross Perot and Perot '96*,

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2 to deny certification of public funds to Mr. Perot's 1996 general election campaign);  
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7 *Funds to the Clinton/Gore '96 Primary Committee, Inc.*, approved September 12, 1996  
8 (the Commission denied the request by the Dole for President Committee to suspend  
9 matching payments to the Clinton/Gore '96 Primary Committee).

10 **B. DISCUSSION**

11 The Commission has rejected the New York Delegation's request to deny  
12 certification of Patrick J. Buchanan and Ezola Foster for public funding for the 2000  
13 general election. The allegations made against Mr. Buchanan and Ms. Foster do not  
14 satisfy the substantial burden that must be met to withhold certification of public funds.  
15 While not purely ministerial, the Commission's review of public funding applications is  
16 limited to determining whether the applications adequately comply with the eligibility  
17 requirements set forth in the Fund Act. The Fund Act obligates the Commission to make  
18 an initial determination within 10 days of the candidate's meeting all applicable  
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1 justify withholding funding, the Commission should have a reasonable belief that patent  
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3 Commission should also avoid basing its findings on speculative allegations and should  
4 favor a policy that allows for prompt payments of public funds, even if it must forgo a  
5 thorough investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does  
6 not possess evidence that Mr. Buchanan's application for public funds contains patent  
7 irregularities or the possibility of fraud.

8           Moreover, the New York Delegation's allegations primarily relate to the Reform  
9 Party's internal rules and procedures. The Fund Act's definition of "candidate" explicitly  
10 requires the Commission to rely on the states' determinations of who appears on the  
11 general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R.  
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15 a state with regard to who should appear on a state ballot as a party nominee. *See*  
16 *Statement of Reasons, Request to Deny Funds to H. Ross Perot and Perot '96*, approved  
17 October 17, 1996. Similarly, the New York Delegation's submission relates to events of  
18 competing factions of the Reform Party and raises questions regarding which faction is  
19 the "true" Reform Party. However, the Commission's regulations indicate that a  
20 "political party" is an association that nominates or selects an individual for federal office  
21 whose name appears on the general election ballot as the candidate for that association.  
22 *See* 11 C.F.R. § 9002.15. As Mr. Buchanan and Ms. Foster have submitted  
23 documentation demonstrating that they have qualified to appear on numerous general

1 election ballots as Reform Party candidates, they meet the Fund Act's definition of  
2 "candidate," and the Reform Party, under whose designation they run, meets the  
3 definition of "political party." *See also* Advisory Opinion 1998-2 (The Commission has  
4 recognized the Reform Party as a political party).

5 Therefore, consistent with past Commission practice and judicial precedent, the  
6 Commission rejects the request by the New York Delegation to withhold certification of  
7 public funds to Mr. Buchanan and Ms. Foster.

8 **IV. COMMISSION DETERMINATION**

9 For the foregoing reasons, the Commission has denied the request of the New  
10 York Delegation to deny certification of public funds for the 2000 general election to Mr.  
11 Patrick J. Buchanan and Ms. Ezola Foster.

12

13 **Attachment**

- 14 1. The New York Delegation's Submission Requesting that the Commission  
15 Deny Certification of Public Funds to Patrick Buchanan and Ezola Foster,  
16 dated August 28, 2000.

17

18

19



*Public Disclosure*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**MEMORANDUM**

**TO:** The Commissioners  
Staff Director  
Deputy Staff Director  
General Counsel

**FROM:** Office of the Commission Secretary 

**DATE:** October 19, 2000

**SUBJECT:** Statement For The Record  
Request of James Mangia to Deny Certification  
of Public Funds to Patrick J. Buchanan and  
Ezola Foster (LRA #598)

Request of New York Delegation to Deny Certification  
of Public Funds to Patrick J. Buchanan and Ezola  
Foster (LRA #599)

Attached is a copy of the Statement For The Record signed by  
Vice Chairman Danny L. McDonald, Commissioner Scott E. Thomas, and  
Commissioner Bradley A. Smith. This was received in the Commission  
Secretary's Office on Thursday, October 19, 2000 at 9:25 a.m.

cc: Vincent J. Convery, Jr.  
Press Office  
Public Information  
Public Disclosure

Attachment





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**Request of James Mangia to Deny Certification )  
of Public Funds to Patrick J. Buchanan and ) LRA #598  
Ezola Foster )**

**Request of New York Delegation to Deny Certification )  
of Public Funds to Patrick J. Buchanan and ) LRA #599  
Ezola Foster )**

#### STATEMENT FOR THE RECORD

**VICE CHAIRMAN DANNY L. McDONALD; COMMISSIONER SCOTT E.  
THOMAS; AND COMMISSIONER BRADLEY A. SMITH**

The Commission has issued Statements of Reasons for denying two requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster.<sup>1</sup> Although we have voted for the Statements of Reasons, we write separately to express the reservations we have for the substantive portions of these Statements, and to address the concern of our colleagues that these requests were not properly before the Commission.

#### **1. Procedural Argument: Submission not Properly Before the Commission**

Some of our colleagues believe the requests of Mr. Mangia and the New York Delegation are not properly before the Commission, as the Commission has no formal procedure for recognizing such submissions. It is true neither the Act nor Commission regulations provide a specific procedure to contest an application for public funds. Nevertheless, the Commission has acted on such applications in the past, issuing

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<sup>1</sup> Statement of Reasons, Request by Mr. James Mangia to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #598; Statement of Reasons, Request by the New York Delegation to Deny Certification of Public Funds to Patrick J. Buchanan and Ezola Foster, LRA #599. As the reasoning is the same in the Statements of Reasons denying both submissions, we will treat the Statements as being a singular "Statement," and refer to the page cites as they appear in the Statement of Reasons for LRA #598.

statements of reasons to explain our decisions. There may be times when the Commission ought to hear such allegations from knowledgeable third parties in determining whether or not a basis exists for the Commission to deny an application for public funds. It is difficult to believe the Commission would ignore widely-reported fraud that would disqualify a candidate. If the agency would not ignore such allegations as they might appear in the press, we see no reason to ignore them because they are placed in a written submission addressed to the Commission.

In our view, the most logical way to treat such submissions, when timely submitted (that is, when submitted before the ruling of the Commission) would be as comments on the application.<sup>2</sup> The fact that 26 U.S.C. §9005(a) allows 10 days for the Commission to consider an application for public funds suggests to us that our responsibility is more than purely ministerial, so that a formal process to accept such comments would not be contrary to the statute.

We would like to consider formalizing a process for such comments through rule-making. At the present time, however, in light of the Commission's history of accepting such comments and issuing statements of reasons in response, we think it inappropriate simply to deny the petitions on those procedural grounds, without discussing the substance of the complaints.

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<sup>2</sup> Commissioner Smith is of the opinion that the submissions of Mr. Mangia and the New York Delegation ought not be treated as petitions requiring a formal denial, but rather, as comments on the application of Mr. Buchanan and Ms. Foster.

## 2. Substantive Arguments to Deny Requests

The substantive rationale for denying the requests can be captured in a single sentence included in each Statement of Reasons:

As Mr. Buchanan and Ms. Foster have submitted documentation demonstrating that they have qualified to appear on numerous general election ballots as Reform Party candidates, they meet the Fund Act's definition of 'candidate,' and the Reform Party, under whose designation they run, meets the definition of 'political party.'<sup>3</sup>

It is true that Mr. Buchanan and Ms. Foster are "candidates" under the Fund Act, as they are on the ballot in ten states under the Reform Party banner. And it is also true that the Reform Party is a political party, formally recognized by the Commission.<sup>4</sup> We have joined this part of the Statement of Reasons on the understanding that we are saying we have no reason to doubt the Reform Party, as formally recognized, nominated Mr. Buchanan and Ms. Foster for President and Vice President for the 2000 election cycle. At the same time, however, some might read the Statement of Reasons to say that a quest for funds, in a situation in which two candidates each claim to be the proper nominee of a party and the just recipient of public funds, is a mere race to the states for ballot access certification, and then to this Commission for automatic certification for public funds. As this is not our understanding, we wish to clarify our view of the Commission's obligations in certifying general election funds under the Presidential Election Campaign Fund Act.<sup>5</sup>

The Statement of Reasons notes that "[t]he Fund Act's definition of 'candidate' explicitly requires the Commission to rely on the states' determinations of who appears

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<sup>3</sup> Statement of Reasons, at 11.

<sup>4</sup> On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds. On April 3, 2000, United States Judge Norman K. Moon issued an order awarding the Reform Party's convention funds to a group headed by Convention Chair/Treasurer Gerald Moan. *See Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>5</sup> 26 U.S.C. §9001, *et seq.*

on the general election ballot.”<sup>6</sup> We have no quarrel with this statement as far as it goes. But our reliance upon state determinations of ballot appearance satisfies only a threshold condition. We take the requirement of 26 U.S.C. §9002(2)(B), that one appears on the ballot in ten or more states in order to meet the definition of candidate, as a necessary, but not sufficient, requirement to obtain funds. We believe this requirement serves to prevent a waste of federal taxpayer resources on truly fringe contenders. The five percent rule serves as an indicator of past support. The ten-state ballot requirement serves as an added, present-day indicator of popular or party support, and indicates that the funds will be used to support a presidential campaign. Meeting this criterion is necessary to qualify as a candidate, but is not sufficient to qualify for public funds.

The Fund Act awards funds not simply to candidates but to “eligible” candidates.<sup>7</sup> And there are only three general types of eligible candidates under the Fund Act.<sup>8</sup> Mr. Buchanan applies to this Commission not as a major party candidate, nor as a candidate who in his own name received more than 5% of the popular vote in 1996, but rather as the “candidate[] of a minor ... party.”<sup>9</sup> But the term “minor party” does not mean any party other than Republican and Democrat. Under the Fund Act, the term “minor party” means “a *political party whose candidate ... in the preceding presidential election received, as the candidate of such party,*” at least 5 percent but no more than 25 percent

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<sup>6</sup> Statement of Reasons at 11.

<sup>7</sup> See generally, 26 U.S.C. §§9002(4), 9003, 9004(a), and 9006.

<sup>8</sup> The Entitlement portion of the Fund Act contemplates awarding funds to three broad categories of applicants: eligible major party candidates, eligible minor party or new party candidates, and candidates “treated as eligible” by virtue of the percentage of popular vote he or she garnered in the previous election. 26 U.S.C. §§ 9004(a)(1); 9004(a)(2)(A); 9004(a)(2)(B); and 9004(a)(3). Not being 2000 presidential candidates of major parties, Messrs. Hagelin and Buchanan have available the latter two methods of becoming eligible, or treated as eligible for funds. One method requires that an applicant be on the ballot in 10 states in this election, and the applicant himself obtained between 5% and 25% percent of the popular vote in the last election, whether as an independent or as the nominee of one or more non-major parties in that last election. 26 U.S.C. 9004(a)(2)(B). In the 1996 general presidential election, Mr. Hagelin was listed on the ballot in many states as the nominee of the Natural Law Party, but garnered less than one percent of the popular vote, thus failing to be “treated as eligible” for matching funds in the 2000 election, under 26 U.S.C. §9004(a)(2)(B). The other method of is the one relevant to this proceeding. It requires either Mr. Buchanan or Mr. Hagelin to be the eligible candidate of a “minor party,” that is, a party which received more than five but less than 25 percent of the vote in the 1996 election. 26 U.S.C. §§9003(c); 9004(a)(2)(A).

<sup>9</sup> 26 U.S.C. §9003(c).

of the popular vote.<sup>10</sup> This requires at least some determination on our part that the party whose nomination is claimed is, in fact, the party that garnered five percent or more of the vote in the last election.

State ballot access laws are not suited, and in our opinion were not intended by either Congress in passing the Act, or the states in passing their laws, to serve this function. Many states provide no role for party organizations to determine their own nominees for the general election ballot – yet the Act requires us to award funds to the nominee by virtue of his nomination by the party, not merely his independent effort to gather signatures for ballot access. Many states place no limit on the use of a party name so long as it is not already in use. Thus, it would be possible for a party to disband, and for a very different group to appear on the ballot four years later under the same name. The states do not concern themselves with such developments. Thus, recognition by ten states that a candidate is on the ballot under a particular name cannot satisfy the criterion that he be the nominee of the same party that won at least five percent in the last election. In this respect, our analysis is similar to that of Commissioner Sandstrom. We must make some assessment of party history. Our difference with Commissioner Sandstrom is that he seems to view this determination as requiring a far more exhaustive review of party affairs than we do,<sup>11</sup> and he would want a court, rather than the Commission, to take this responsibility.<sup>12</sup>

The Statement of Reasons correctly notes that “[t]he Commission should not entangle itself in the complexities of party rules or procedures *as the Fund Act does not define eligibility in terms of a political party’s actions.*”<sup>13</sup> We agree. But to be the eligible candidate of a minor party, one must have been nominated by that party, and in

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<sup>10</sup> 26 U.S.C. §9002(7).

<sup>11</sup> See “Memorandum: 2000 General Election Entitlement - Reform Party,” Commissioner Karl J. Sandstrom, at 6-9. (“What determines who the valid nominee of the Reform Party is? The party does. And by ‘party,’ I do not mean the inquiry stops with what the party officers say. ... The answer depends on the rules that were created to govern the Reform Party.”)

<sup>12</sup> Sandstrom Memorandum, *supra*, at 7. (“A court is better suited to resolve the dispute over which individual is the valid nominee of the Reform Party.”) (emphasis subtracted).

<sup>13</sup> Statement of Reasons at 10 (emphasis added).

that limited sense – and that sense only - the Commission must “define eligibility in terms of the political party’s actions.” In this matter, we have before us no substantial reason to doubt that the qualifying Reform party nominated Mr. Buchanan and Ms. Foster. The only reasons to question Mr. Buchanan’s *bona fides* as the party nominee are the challenges to his application, and, as is clear, the violations here alleged are insufficient to deny certification.

The Statement of Reasons characterizes both petitions to deny certification as insubstantial because they merely “relate to events of competing factions of the Reform Party and raise questions regarding which faction is the ‘true’ Reform Party.”<sup>14</sup> The Statement of Reasons responds to the petitioners that this Commission does not pick “true” factions of parties, as the “Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual ... whose name appears on the general ballot as the candidate for that association.”<sup>15</sup> While we agree it is not for us to inquire into the “true” goals of the Reform Party, the Statement of Reasons strikes us as incomplete.<sup>16</sup> It would provide no guidance, other than a race to the Commission, where competing candidates, each on the ballots of ten states and both purporting to be the nominee of the same party, were to apply to the Commission for the same general election funds. We acknowledge that this concern is somewhat hypothetical given that Mr. Hagelin did not appear to have met the ten-state requirement in the first place. But had he done so, the need to trace a nominee from the convention formally recognized and partially funded by this Commission would have been compelling. We believe, therefore, that while the Commission need not pick the “true” goals for the political parties, it must track which faction is properly tied to the successful results in the previous election --

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<sup>14</sup> *Id.*

<sup>15</sup> The exact language of the retort was as follows: “However, the Commission’s regulations indicate that a ‘political party’ is an association that nominates or selects an individual for federal office whose name appears on the general election ballot as the candidate for that association. 11 C.F.R. §9002.15.”

<sup>16</sup> Indeed, John Hagelin and Nat Goldhaber too claim to have been nominated by the Reform Party. *See* Statement of Reasons, Mangia’s Sworn Supplement, Attachment 2, at 1-2 (“Since the filing of my Original Sworn Statement ... I have become the duly-elected National Party Chair of the Reform Party of the United States of America. In addition, the Reform Party ... has elected John Hagelin ... and Nat Goldhaber as its candidate[s].”)

here, the Reform Party results in the 1996 election. On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds, and, on April 3, 2000, United States Judge Norman K. Moon issued an order awarding those funds to a group headed by Convention Chair and Treasurer Gerald Moan.<sup>17</sup>

In looking to whom the Reform Party nominated at their convention, the proper standard for us to follow is that of the Minnesota Supreme Court in *Democrat Farm Labor State Central Committee v. Holm*.<sup>18</sup> Faced with a similar battle over party rules and delegate credentials, the Court, quoting the North Dakota Supreme Court in *State v. Lavik*<sup>19</sup>, noted: “It is not our province to correct parliamentary errors ... .”<sup>20</sup> Rather, the court relied on the rulings made, “whether rightly” or wrongly, of the party chair and committees.<sup>21</sup> Following this standard, we are not required to arbitrate among candidates or interpret party rules and by-laws. In recognizing the Party as a private entity, we do not concern ourselves with whether or not Mr. Buchanan was nominated in strict accordance with party rules.<sup>22</sup> Our only concern is whether or not he is the nominee of the party. Under this standard, there is no difficulty in tracing the Buchanan and Foster nominations to those results, for the relevant facts are undisputed. The challenges themselves<sup>23</sup> agree that on August 8, 2000, a meeting of the Reform Party National Committee was properly convened in Long Beach. It was presided over by the party’s

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<sup>17</sup> See *Reform Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000).

<sup>18</sup> 227 Minn. 52; 33 N.W.2d 831 (Minn. 1948).

<sup>19</sup> *State, ex rel. Hans Fosser v. Andrew J. Lavik*, 9 N.D. 461; 83 N.W. 914 (N.D. 1900).

<sup>20</sup> *Democrat Farm-Labor v. Holm*, 227 Minn. 52, at 58; 33 N.W.2d 831 at 834 (Minn. 1948); quoting, *State v. Lavik*, 9 N.D. 461 at 462; 83 N.W. 914 at 915 (N.D. 1900).

<sup>21</sup> *Democrat Farm-Labor*, *supra* note 18, at 58; quoting *Lavik*, *supra* note 18, at 462.

<sup>22</sup> See generally, *Cousins v. Wigoda*, 419 U.S. 477 at 496 (1975). (A state cannot compel a national political convention to seat delegates against its will); *Democratic Party of the United States v. Wisconsin, ex rel. LaFollette*, 450 U.S. 107 at 126 (1981).

<sup>23</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1, at 9.

Vice-Chair and Acting Chairman, Gerry Moan.<sup>24</sup> That too seems to be undisputed. What is also undisputed is that certain members of the party, including the petitioners, were unhappy with rulings made by the Party Chairman. Believing these rulings violated party rules, but outvoted at the meeting, they walked out of the convention.<sup>25</sup> But a majority of those who had come for the National Committee meeting stayed and continued on with party affairs. A majority held the convention, attended and chaired by the person in charge of the Convention Committee we had previously certified for convention funding. This convention nominated Patrick J. Buchanan and Ezola Foster for President and Vice President, respectively.

In our view, the statements of Mr. Mangia and other challengers make clear that Mr. Buchanan was nominated by the Reform Party whose nominees are entitled to public funds for the general election. Because Mr. Buchanan and Ms. Foster are on the ballot in ten states, were nominated at the Reform Convention formally recognized and partially funded by this Commission, and have met the other requirements of eligibility under 26 U.S.C. §9003 of the Fund Act, there is no just reason to deny a certification of funds to Patrick J. Buchanan and Ezola Foster.

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<sup>24</sup> *Id.*

<sup>25</sup> Statement of Reasons, Sworn Statement of Mangia, Attachment 1 at 11.

Finally, it is not inappropriate to briefly address other concerns that have been raised in various comments on the application of Buchanan and Foster. Notably, several commenters have argued, essentially, that we should deny certification of funds to the Buchanan campaign because they consider Buchanan a bad man with unworthy views. In one commenter's words, we should consider that Buchanan's campaign is "built on hatred and destruction," and that public funds going to Buchanan will find their way into the "pockets of people who support bigotry, hatred, and even violence against other Americans."<sup>26</sup> Leaving aside the merits, or lack thereof, to this charge, the Fund Act does not allow discretion to deny certification of funds on the basis of the applicant's political beliefs.

10/18/00  
Date

Danny L. McDonald  
Danny L. McDonald  
Vice-Chairman

10/18/00  
Date

Scott E. Thomas  
Scott E. Thomas  
Commissioner

10/18/00  
Date

Bradley A. Smith  
Bradley A. Smith  
Commissioner

<sup>26</sup> Letter of Donna Donovan, September 9, 2000, submitted *ex parte* and on file with the Commission.





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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2000 SEP 28 P 2:17

September 28, 2000

**MEMORANDUM**

**TO:** The Commission

**THROUGH:** James A. Pehrkon   
Staff Director

**FROM:** Lawrence M. Noble   
General Counsel

Kim Leslie Bright   
Associate General Counsel

Gregory R. Baker   
Special Assistant General Counsel

**SUBJECT:** Revised Statements of Reasons -- Requests to Deny Certification  
of Public Funds to Patrick J. Buchanan and Ezola Foster  
(LRA #598/599)

Pursuant to the Commission's direction at the September 14, 2000 Open Session, this Office is circulating revised Statements of Reasons addressing the requests to deny certification of public funds to Patrick J. Buchanan and Ezola Foster. *See Attachments A and B.* The revisions include language that concludes that the submissions were not properly before the Commission at subsection III.B.1. Subsection III.B.2. of the drafts remains relatively unchanged from the original draft, but includes language stating that even if the submissions were properly before the Commission, they do not meet the high standard for withholding public funds from the candidate.

To assist the Commission in voting on these matters, we are making separate recommendations: (1) approve the rationale under subsection III.B.1. (not properly before the Commission); and (2) approve the rationale under subsection III.B.2. (substantive arguments supporting denial of requests). Since the Commission received full sets of attachments with the original circulation of these documents, we are not including the attachments to the draft Statements of Reasons with this circulation.

**RECOMMENDATIONS**

The Office of General Counsel recommends that the Commission:

1. Approve the attached Statements of Reasons using the rationale stated under subsection III.B.1. (submissions not properly before the Commission).
2. Approve the attached Statements of Reasons using the rationale stated under subsection III.B.2. (substantive arguments supporting denial of requests).
3. Approve the appropriate notification letter.

**Attachments**

- A. Proposed Statement of Reasons Denying Mr. James Mangia's Submission Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick Buchanan and Ms. Ezola Foster.
- B. Proposed Statement of Reasons Denying the New York Delegation's Submission Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick Buchanan and Ms. Ezola Foster.

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3  
4 In the Matter of )  
5 )  
6 Request by Mr. James Mangia ) LRA #598  
7 to Deny Certification of Public Funds )  
8 to Patrick J. Buchanan and )  
9 Ezola Foster )  
10 )

11  
12  
13 **STATEMENT OF REASONS**

14  
15 **I. INTRODUCTION**

16 On \_\_\_\_\_, 2000, the Commission denied a submission filed by Mr. James  
17 Mangia requesting that the Commission withhold certification of public funding to  
18 Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign under the  
19 Presidential Election Campaign Act, 26 U.S.C. §§ 9001-9013 ("Fund Act"). This  
20 Statement of Reasons sets forth the legal and factual basis for the Commission's  
21 determination.

22 **II. BACKGROUND**

23 On August 11, 2000, Mr. James Mangia filed a submission requesting that the  
24 Commission deny certification of Patrick J. Buchanan and Ezola Foster to receive public  
25 funding for the 2000 presidential general election. *See* Attachment 1. On August 31,  
26 2000, Mr. Mangia filed a supplement. *See* Attachment 2. On September 6, 2000, Mr.  
27 Buchanan filed a response to the Mangia submission. *See* Attachment 3.

28 On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of  
29 candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R.

1 § 9003.1. In a letter dated August 24, 2000, the Commission requested that the  
2 candidates provide evidence demonstrating that they had qualified to appear on the  
3 general election ballot in ten or more states as nominees of the Reform Party.  
4 Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation  
5 indicating that they have qualified to appear on the general election ballots as the  
6 nominees of the Reform Party in at least ten states.

7 In his submission, Mr. Mangia alleges that Mr. Buchanan “knowingly and  
8 willfully submitted and/or are preparing to knowingly and willfully submit false, fictitious  
9 and fraudulent information to the FEC, in violation of Federal Campaign Funding Law.”<sup>1</sup>  
10 See Attachment 1, page 4. As a result, Mr. Mangia requests that until these allegations  
11 are fully investigated, the Commission should “withhold making its decision regarding  
12 certification of the Reform Party nominee for the Office of the President of the United  
13 States.” *Id.* at 14.

14 The challenge asserts that Patrick J. Buchanan and his supporters attempted to  
15 “override the directives and resolutions by the PNC [Presidential Nominating Committee]  
16 and the Executive Committee and the proper and lawfully constituted Reform Party of the  
17 United States of America, now that the respondents have control of a rogue faction,  
18 claiming to be the Reform Party of the United States of America.” *Id.* at 12. Mr. Mangia  
19 asserts that Mr. Buchanan and his supporters sought to abolish the Rules for the selection  
20 of Reform Party of the United States Nominees for President and Vice President of the  
21 United States, which is expressly prohibited in a presidential election year, “and conduct

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<sup>1</sup> In his supplement, Mr. Mangia provided updated information regarding Mr. Buchanan’s nomination and additional evidence supporting his claims. See Attachment 3.

1 an invalid floor vote at an illegal convention, or utilize the invalid and improper ballots to  
2 purportedly win the Reform Party Primary, and thereby wrongfully and fraudulently  
3 attempt to become the purported Reform Party Nominee for the Office of the President of  
4 the United States.” *Id.* at 12-13.

5 The challenge concludes that the actions by Mr. Buchanan and his supporters  
6 constitute balloting and voter fraud. *Id.* at 13. Moreover, Mr. Mangia alleges that any  
7 representation to the Commission by Patrick Buchanan that he is the valid and lawful  
8 Reform Party nominee for Office of the President of the United States, constitutes a false,  
9 fictitious, and fraudulent representation to the Commission, in violation of 26 U.S.C.  
10 § 9012(d)(1).

11 Mr. Mangia also alleges that Angela “Bay” Buchanan violated the law by  
12 demanding that the Reform Party enter into a “secret agreement” to keep the names on  
13 the “Pat Buchanan supporter list” secret.<sup>2</sup> *Id.* at 13. The challenge states that federal  
14 election laws make it a criminal offense for the administrators of a presidential primary  
15 election to fail to retain the records of the primary for a period of 22 months, and that it is  
16 a crime for anyone to destroy such records before expiration of the 22-month period. *Id.*  
17 *See* 42 U.S.C. § 1974.

18 In his response to Mr. Mangia’s submission, Mr. Buchanan asserts that the  
19 allegations involve matters relating solely to the “internal operations of the Reform Party  
20 of the United States of America, which are governed by its Constitution and other  
21 organizational documents, and not by the Act or the Fund Act.” *See* Attachment 3, at 1

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<sup>2</sup> The “Pat Buchanan supporter list” consisted of 500,000 names which were submitted to the Reform Party Nominating Committee for the purpose of participating in the Reform Party presidential primary. *See* Attachment 1, at 27.

1 and 2. Mr. Buchanan states that the Commission should not consider submissions “about  
2 the internal processes of the Reform Party leading up to the Convention or at the  
3 Convention, such as the seating of Convention delegates.” *Id.* at 5. Mr. Buchanan further  
4 contends that the Commission should look only to the results of the Reform Party  
5 Convention, and should not “entertain Mr. Mangia’s allegations of irregularity in the  
6 process under the Reform Party Rules.” *Id.* at 7. Moreover, Mr. Buchanan asserts that  
7 he and Ms. Foster were in fact nominated by the Reform Party Convention and that any  
8 statement to the contrary is false. Mr. Buchanan asserts that the representation that John  
9 Hagelin is the nominee for the Office of President of the United States for the Reform  
10 Party of the United States of America is invalid, “as it has absolutely no legal support,  
11 and is clearly a claim asserted without authorization from the official Reform Party of the  
12 United States of America.” *Id.* at 6. In addition, Mr. Buchanan asserts that Mr. Mangia’s  
13 behavior at the National Committee Meeting demonstrates a lack of “good faith” on the  
14 part of Mr. Mangia and Dr. Hagelin. *Id.* at 9. Accordingly, Mr. Buchanan requests that  
15 the Commission dismiss Mr. Mangia’s submission. *Id.* at 10.

16 **III. COMMISSION DECISION**

17 **A. LEGAL FRAMEWORK**

18 The Fund Act provides that the eligible candidates of a minor party in a  
19 presidential election shall be entitled to pre-election funding. 26 U.S.C. § 9004(a)(2)(A).  
20 *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C. § 9004(a)(2), the amount of the minor  
21 party candidate’s entitlement is the proportionate amount of the funding available for  
22 major party general election candidates, based on the ratio of the total popular votes  
23 received by the minor party candidate in the preceding election compared to the average

1 of the total popular votes received by the major party candidates for President in that  
2 election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act provides that the Commission  
3 shall certify to the Secretary of the Treasury payment to eligible candidates in the full  
4 amount to which they are entitled not later than 10 days after they have met all applicable  
5 conditions for eligibility.

6 26 U.S.C § 9005(a). *See also* 11 C.F.R. § 9005.1(b).

7 The Fund Act defines “candidate” as an individual who has been nominated for  
8 election to the office of President of the United States or the office of Vice President of  
9 the United States by a major party, or has “qualified to have his name on the election  
10 ballot (or to have the names of electors pledged to him on the election ballot) as the  
11 candidate of a political party for election to either such office in 10 or more states.” 26  
12 U.S.C. § 9002(2).

13 The Commission’s regulations define “political party” as an “association,  
14 committee, or organization which nominates or selects an individual for election to any  
15 Federal office, including the office of President or Vice President of the United States,  
16 whose name appears on the general election ballot as the candidate of such association,  
17 committee, or organization.” 11 C.F.R. § 9002.15.

18 The Commission has on several occasions considered petitions to deny  
19 certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale*  
20 *Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the  
21 Commission has acted to deny funds based on information obtained internally, without a  
22 petition from an interested party, or based on inadequacies detected in a candidate’s  
23 submission for matching funds. *See, e.g., Committee to Elect Lyndon LaRouche v. FEC*,

1 613 F.2d 834 (D.C. Cir. 1979) (“*CTEL*”); *LaRouche v. FEC*, 996 F.2d 1263 (D.C. Cir.  
2 1993).

3 The Court of Appeals for the District of Columbia Circuit considered  
4 Commission action with respect to the matching fund certification process during the  
5 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTCL*,  
6 613 F.2d 834. In that case, the Commission denied Mr. LaRouche’s submission for  
7 matching funds because of irregularities uncovered during an audit of his threshold  
8 submission. The *CTEL* court stressed the importance of “prompt payments to eligible  
9 candidates” so that they “will have the money [they] need at a time when its availability is  
10 most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy  
11 favoring prompt payments to eligible candidates ... circumscribe[s] to a certain extent the  
12 scope of the Commission’s investigative role during the certification process.” *Id.*  
13 Nevertheless, the D.C. Circuit upheld the Commission’s action holding that the  
14 Commission may reject certification if a matching fund request: (1) was not properly  
15 documented to meet threshold requirements, and (2) contained “patent irregularities  
16 suggesting the possibility of fraud.” *Id.* at 842.

17 During the 1980 election cycle, the Commission received a petition from the  
18 Carter-Mondale Reelection Committee, Inc. asserting that presidential candidate Ronald  
19 Reagan and vice-presidential candidate George Bush were not eligible for public funding  
20 in the general election based on various newspaper accounts reporting that certain laws  
21 had been or would be violated by the candidates. While the petition was pending before  
22 the Commission, the Carter-Mondale Committee petitioned the D.C. Circuit to adjudicate  
23 the issue. Following the Commission’s certification of funds to the Reagan-Bush

1 campaign, the D.C. Circuit ruled that the petition filed with it was “premature on the  
2 statutory ground that it violates the FEC’s exclusive jurisdiction.” *In re Carter-Mondale*,  
3 642 F.2d at 543. The court reiterated its position from the *CTEL* case that the  
4 Commission can investigate allegations concerning the certification of public funds when  
5 it “reasonably appears that a patent fraud or other major violation of law is being  
6 committed,” while also being cautious to avoid “overstep[ping] its authority by  
7 interfering unduly in the conduct of elections.” *Id.* at 544-45. The court also criticized  
8 the allegations made by the Carter-Mondale Committee as addressing future conduct and  
9 for being “highly speculative.” *Id.* at 543.<sup>3</sup>

10 During the 1992 election cycle, the Commission denied certification to Lyndon  
11 LaRouche and considered a petition to deny public funding to the Clinton/Gore ‘92  
12 General Election Committee. The Commission’s denial of certification to Mr. LaRouche,  
13 which was based on his prior transactions with the Commission and his federal  
14 conviction on fraud charges, was overturned by the D.C. Circuit which ruled that the  
15 Commission was “not authorized to appraise candidates’ good faith, honesty, probity, or  
16 general reliability.” *LaRouche v. FEC*, 996 F.2d 1263, 1267 (D.C. Cir. 1993). The court  
17 noted that “any inquiry into the bonafides of candidates’ promises would take the  
18 Commission into highly subjective territory that would imperil the assurance of even-  
19 handed treatment.” *Id.*

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<sup>3</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of payment of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the

1 In the same election cycle, the Commission considered a petition filed by the  
2 Republican National Committee ("RNC") against the Clinton/Gore '92 campaign  
3 wherein the RNC alleged that the Clinton/Gore campaign impermissibly received funding  
4 from the Democratic National Committee through payments for a "town meeting." The  
5 Commission rejected the petition since it did not reasonably appear that patent fraud or  
6 violations occurred in the subject transaction which would require the withholding of  
7 payments. *See In re Carter-Mondale*, 642 F.2d at 544. The Commission noted that the  
8 underlying factual issues were in dispute, and that the appropriate forum to address the  
9 questions was the enforcement or audit context. Statement of Reasons, *Petition to Deny*  
10 *Certification of Matching Funds to Governor Bill Clinton*, approved June 25, 1992.

11 Further applying the standards articulated by the courts, the Commission rejected  
12 three requests to suspend or deny certification of public funds in the 1996 presidential  
13 election cycle. *See* Statement of Reasons, *Request to Deny Public Funds to H. Ross*  
14 *Perot and Perot '96*, approved October 17, 1996 (the Commission denied the request by  
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18 denied the request by the Democratic National Committee to suspend matching payments  
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Commission's decision to deny the RNC's petition to the stop certification of payments to Dukakis/Bentsen.  
*See Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

1 President Committee to suspend matching payments to the Clinton/Gore '96 Primary  
2 Committee).

3 The Presidential Election Campaign Fund Act makes it unlawful for any person to  
4 knowingly and willfully furnish false, fictitious, or fraudulent evidence or information to  
5 the Commission relevant to a certification by the Commission. 26 U.S.C.

6 § 9012(d)(1)(A). The Fund Act provides for criminal penalties for any person who  
7 violates this provision. 26 U.S.C. § 9012(d)(2).

8 Under the Civil Rights Act of 1960, every officer of an election is required to  
9 "retain and preserve, for a period of twenty-two months all records and papers which  
10 come into his possession relating to any application, registration, payment of poll tax, or  
11 other act requisite to voting in such election ...." 42 U.S.C. § 1974. The Civil Rights Act  
12 further provides that, "[a]ny officer of election or custodian who willfully fails to comply  
13 with this section shall be fined not more than \$1,000 or imprisoned not more than one  
14 year, or both." *Id.*

15 **B. DISCUSSION**

16 The Commission has rejected Mr. Mangia's request to deny certification of  
17 Patrick J. Buchanan and Ezola Foster for public funding for the 2000 general election.

18 The Commission bases its decision on the following reasons: (1) the submission was not  
19 properly before the Commission; and (2) even if the submission was properly before the  
20 Commission, it did not meet the substantial burden that must be met to withhold public  
21 funds.

1           **1. Submission Not Properly Before the Commission**

2           Neither the Fund Act nor the Commission's regulations contain procedures  
3 addressing submissions requesting that the Commission deny the certification of public  
4 funds. Specifically, unlike the enforcement procedures under 2 U.S.C. § 437g, there are  
5 no provisions in the Fund Act or the Commission's regulations which provide an  
6 individual with a means to challenge a candidate's entitlement to public funds. In the  
7 absence of such a procedure, it appears that Mr. Mangia's request that the Commission  
8 deny certification of public funds to Patrick J. Buchanan and Ezola Foster was not  
9 properly before the Commission.

10           **2. Substantive Arguments to Deny Requests**

11           Even if the submission was properly before the Commission, the Commission has  
12 concluded that the allegations made against Mr. Buchanan and Ms. Foster do not satisfy  
13 the substantial burden that must be met to withhold certification of public funds. The  
14 Commission has rejected Mr. Mangia's request to deny certification of Patrick J.  
15 Buchanan and Ezola Foster for public funding for the 2000 general election. The  
16 allegations made against Mr. Buchanan and Ms. Foster do not satisfy the substantial  
17 burden that must be met to withhold certification of public funds. While not purely  
18 ministerial, the Commission's review of public funding applications is limited to  
19 determining whether the applications adequately comply with the eligibility requirements  
20 set forth in the Fund Act. The Fund Act obligates the Commission to make an initial  
21 determination within 10 days of the candidate's meeting all applicable conditions for  
22 eligibility. 26 U.S.C. § 9005. Absent patent irregularities suggesting the possibility of  
23 fraud, the Commission is precluded from withholding funds from a candidate "once the

1 objective criteria for eligibility are met, because of the important constitutional free  
2 speech considerations inherent in public campaign financing.” *In re Carter-Mondale*  
3 *Reelection Committee, Inc.*, 642 F.2d 538, 544 (D.C. Cir. 1980). To justify withholding  
4 funding, the Commission should have a reasonable belief that patent fraud or another  
5 major violation has occurred. *See LaRouche*, 996 F.2d at 1267. The Commission should  
6 also avoid basing its findings on speculative allegations and should favor a policy that  
7 allows for prompt payments of public funds, even if it must forgo a thorough  
8 investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does not  
9 possess evidence that Mr. Buchanan’s application for public funds contains patent  
10 irregularities or the possibility of fraud.

11 Moreover, Mr. Mangia’s allegations primarily relate to the Reform Party’s  
12 internal rules and procedures. The Fund Act’s definition of “candidate” explicitly  
13 requires the Commission to rely on the states’ determinations of who appears on the  
14 general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R.  
15 § 9002.2(a)(2). The Commission should not entangle itself in the complexities of party  
16 rules or procedures as the Fund Act does not define eligibility in terms of a political  
17 party’s actions. Thus, the Commission should not substitute its own judgment for that of  
18 a state with regard to who should appear on a state ballot as a party nominee. *See*  
19 Statement of Reasons, *Request to Deny Funds to H. Ross Perot and Perot '96*, approved  
20 October 17, 1996. Similarly, Mr. Mangia’s submission relates to events of competing  
21 factions of the Reform Party and raises questions regarding which faction is the “true”  
22 Reform Party. However, the Commission’s regulations indicate that a “political party” is  
23 an association that nominates or selects an individual for federal office whose name

1 appears on the general election ballot as the candidate for that association. See 11 C.F.R.  
2 § 9002.15. As Mr. Buchanan and Ms. Foster have submitted documentation  
3 demonstrating that they have qualified to appear on numerous general election ballots as  
4 Reform Party candidates, they meet the Fund Act's definition of "candidate," and the  
5 Reform Party, under whose designation they run, meets the definition of "political  
6 party." See also Advisory Opinion 1998-2 (The Commission has recognized the Reform  
7 Party as a political party).

8 Finally, Mr. Mangia alleges violations of the criminal provisions of the Fund Act  
9 and the Civil Rights Act of 1960. While the Commission has exclusive jurisdiction for  
10 the civil enforcement of the Fund Act, the Department of Justice is charged with  
11 prosecuting violations of the Civil Rights Act of 1960. Such violations are not relevant to  
12 certification decisions under the Fund Act. Rather, they are more appropriately  
13 considered in the context of an enforcement matter, audit, or similar investigation.

14 Therefore, consistent with past Commission practice and judicial precedent, the  
15 Commission rejects the request by James Mangia to withhold certification of public funds  
16 to Mr. Buchanan and Ms. Foster.

17 **IV. COMMISSION DETERMINATION**

18 For the foregoing reasons, the Commission has denied the request of Mr. James  
19 Mangia to deny certification of public funds for the 2000 general election to Mr. Patrick  
20 J. Buchanan and Ms. Ezola Foster.

21  
22 **Attachments**

- 23 1. Mr. James Mangia's Submission Requesting that the Commission Deny  
24 Certification of Public Funds to Patrick Buchanan and Ezola Foster, dated  
25 August 10, 2000.

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2. Supplement to Mr. James Mangia's Submission, dated August 29, 2000.
3. Mr. Patrick J. Buchanan's Response, dated September 5, 2000.

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3  
4 In the Matter of )  
5 )  
6 Request by the New York Delegation ) LRA #599  
7 to Deny Certification of Public Funds )  
8 to Patrick J. Buchanan and )  
9 Ezola Foster )  
10 )  
11 )

12  
13 **STATEMENT OF REASONS**

14  
15 **I. INTRODUCTION**

16 On \_\_\_\_\_, 2000, the Commission denied the request of the New York  
17 Delegation to the Reform Party convention to withhold certification of public funds to  
18 Patrick J. Buchanan and Ezola Foster for the 2000 general election campaign.<sup>1</sup> The  
19 Commission has determined that the request failed to provide a sufficient basis for  
20 denying Mr. Buchanan and Ms. Foster public funding. This Statement of Reasons sets  
21 forth the legal and factual basis for the Commission's determination.

22 **II. BACKGROUND**

23 On August 29, 2000, the New York Delegation to the Reform Party convention  
24 ("New York Delegation") filed a submission requesting that the Commission not certify  
25 Patrick J. Buchanan and Ezola Foster as the recipients of the 2000 general election public  
26 funds. *See* Attachment 1.  
27

<sup>1</sup> The challenge by the New York Delegation was submitted by the following 17 individuals: (1) Frank M. MacKay; (2) Cathy Stewart; (3) Philip Goldstein; (4) David Lewis; (5) Daniel Forbes; (6) Gerald Everett; (7) Lenora Fulani; (8) Eve Rose; (9) Robert Conroy; (10) Luvenia Suber; (11) Ainka Fulani; (12) Sheryl Williams; (13) Sarah Lyons; (14) Kitty Reese; (15) Jessie Fields; (16) Allen Cox; and (17) Tara Lewis.

1 On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster submitted letters of  
2 candidate agreements and certifications pursuant to 26 U.S.C. § 9003(c) and 11 C.F.R.  
3 § 9003.1. In a letter dated August 24, 2000, the Commission requested that the  
4 candidates provide evidence demonstrating that they had qualified to appear on the  
5 general election ballot in ten or more states as nominees of the Reform Party.  
6 Subsequently, on August 25, 28 and 29, 2000, the candidates submitted documentation  
7 indicating that they have qualified to appear on the general election ballots as the  
8 nominees of the Reform Party in at least ten states. As a result, Mr. Buchanan and Ms.  
9 Foster met the applicable conditions to receive pre-election public funding on August 29,  
10 2000.

11 In their submission, the New York Delegation asserts that Patrick Buchanan and  
12 Ezola Foster cannot claim to be the nominees of the Reform Party since “they and those  
13 acting on their behalf subverted and then rescinded the Reform Party primary and were  
14 nominated by a convention which accepted delegates not on the basis of the Reform Party  
15 constitution, but on the basis of whether or not they supported Mr. Buchanan.”  
16 Attachment 1, page 6. The challenge states that another convention was held  
17 simultaneously which claimed to be the legitimate Reform Party convention, and that this  
18 convention seated the New York Delegation and recognized John Hagelin as the winner  
19 of the national primary in light of Mr. Buchanan’s disqualification. *Id.* As a result, the  
20 New York Delegation requests that the Commission “not certify Patrick J. Buchanan and  
21 Ezola Foster as the recipients of general election funds pursuant to 26 U.S.C. § 9005, and  
22 that he be further sanctioned for the illegal actions described herein.” *Id.* at 7.

1     **III.     COMMISSION DECISION**

2             **A.     LEGAL FRAMEWORK**

3             The Presidential Campaign Fund Act (“the Fund Act”) provides that the eligible  
4 candidates of a minor party in a presidential election shall be entitled to pre-election  
5 funding. 26 U.S.C. § 9004(a)(2)(A). *See also* 11 C.F.R. § 9004.2(b). Under 26 U.S.C.  
6 § 9004(a)(2), the amount of a minor party candidate’s entitlement is the proportionate  
7 amount of the funding available for major party general election candidates, based on the  
8 ratio of the total popular votes received by the minor party candidate in the preceding  
9 election compared to the average of the total popular votes received by the major party  
10 candidates for President in that election. *See also* 11 C.F.R. § 9004.2(b). The Fund Act  
11 provides that the Commission shall certify to the Secretary of the Treasury payment to  
12 eligible candidates in the full amount to which they are entitled not later than 10 days  
13 after they have met all applicable conditions for eligibility. 26 U.S.C § 9005(a). *See also*  
14 11 C.F.R. § 9005.1(b).

15             The Fund Act defines “candidate” as an individual who has been nominated for  
16 election to the office of President of the United States or the office of Vice President of  
17 the United States by a major party, or has “qualified to have his name on the election  
18 ballot (or to have the names of electors pledged to him on the election ballot) as the  
19 candidate of a political party for election to either such office in 10 or more states.”  
20 26 U.S.C. § 9002(2).

21             The Commission’s regulations define “political party” as an “association,  
22 committee, or organization which nominates or selects an individual for election to any  
23 Federal office, including the office of President or Vice President of the United States,

1 whose name appears on the general election ballot as the candidate of such association,  
2 committee, or organization.” 11 C.F.R. § 9002.15.

3 The Commission has on several occasions considered petitions to deny  
4 certification of public funds to presidential candidates. *See, e.g., In re Carter-Mondale*  
5 *Reelection Committee, Inc.*, 642 F.2d 538 (D.C. Cir. 1980). Additionally, the  
6 Commission has acted to deny certification of funds based on information obtained  
7 internally, without a petition from an interested party, or based on inadequacies detected  
8 in a candidate’s submission for matching funds. *See, e.g., Committee to Elect Lyndon*  
9 *LaRouche v. FEC*, 613 F.2d 834 (D.C. Cir. 1979) (“CTEL”); *LaRouche v. FEC*, 996 F.2d  
10 1263 (D.C. Cir. 1993).

11 The Court of Appeals for the District of Columbia Circuit considered  
12 Commission action with respect to the matching fund certification process during the  
13 1976 presidential election cycle and the submission of Lyndon LaRouche. *See CTCL*,  
14 613 F.2d 834. In that case, the Commission denied Mr. LaRouche’s submission for  
15 matching funds because of irregularities uncovered during an audit of his threshold  
16 submission. The *CTEL* court stressed the importance of “prompt payments to eligible  
17 candidates” so that they “will have the money [they] need at a time when its availability is  
18 most important to [the] campaign.” *Id.* at 841. The court also noted that the “policy  
19 favoring prompt payments to eligible candidates ... circumscribe[s] to a certain extent the  
20 scope of the Commission’s investigative role during the certification process.” *Id.*  
21 Nevertheless, the D.C. Circuit upheld the Commission’s action holding that the  
22 Commission may reject certification if a matching fund request: (1) was not properly

1 documented to meet threshold requirements, and (2) contained “patent irregularities  
2 suggesting the possibility of fraud.” *Id.* at 842.

3 During the 1980 election cycle, the Commission received a petition from the  
4 Carter-Mondale Reelection Committee, Inc. asserting that presidential candidate Ronald  
5 Reagan and vice-presidential candidate George Bush were not eligible for public funding  
6 in the general election based on various newspaper accounts reporting that certain laws  
7 had been or would be violated by the candidates. While the petition was pending before  
8 the Commission, the Carter-Mondale Committee petitioned the D.C. Circuit to adjudicate  
9 the issue. Following the Commission’s certification of funds to the Reagan-Bush  
10 campaign, the D.C. Circuit ruled that the petition filed with it was “premature on the  
11 statutory ground that it violates the FEC’s exclusive jurisdiction.” *In re Carter-Mondale*,  
12 642 F.2d at 543. The court reiterated its position from the *CTEL* case that the  
13 Commission can investigate allegations concerning the certification of public funds when  
14 it “reasonably appears that a patent fraud or other major violation of law is being  
15 committed,” while also being cautious to avoid “overstep[ping] its authority by  
16 interfering unduly in the conduct of elections.” *Id.* at 544-45. The court also criticized  
17 the allegations made by the Carter-Mondale Committee as addressing future conduct and  
18 for being “highly speculative.” *Id.* at 543.<sup>2</sup>

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<sup>2</sup> In the 1984 election cycle, the National Conservative Political Action Committee filed a complaint against Walter Mondale and Geraldine Ferraro, requesting that the Commission withhold certification of public funds to their general election campaign. Similarly, the Republican National Committee and others petitioned to stop the certification of public funds to the general election campaign of Michael Dukakis and Lloyd Bentsen in 1988. In both cases, the Commission denied the requests on the basis that the requests did not satisfy the standards set forth in *In re Carter-Mondale* for denying certification of funds insofar as patent fraud or a major violation of the law could not be detected. The D.C. Circuit affirmed the Commission’s decision to deny the RNC’s petition to stop certification of payments to Dukakis/Bentsen. See *Boulter v. FEC*, No. 88-1541 (D.C. Cir., August 3, 1988).

1           During the 1992 election cycle, the Commission denied certification to Lyndon  
2 LaRouche and considered a petition to deny public funding to the Clinton/Gore '92  
3 General Election Committee. The Commission's denial of certification to Mr. LaRouche,  
4 which was based on his prior transactions with the Commission and his federal  
5 conviction on fraud charges, was overturned by the D.C. Circuit which ruled that the  
6 Commission was "not authorized to appraise candidates' good faith, honesty, probity, or  
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8 noted that "any inquiry into the bonafides of candidates' promises would take the  
9 Commission into highly subjective territory that would imperil the assurance of even-  
10 handed treatment." *Id.*

11           In the same election cycle, the Commission considered a petition filed by the  
12 Republican National Committee ("RNC") against the Clinton/Gore '92 campaign  
13 wherein the RNC alleged that the Clinton/Gore campaign impermissibly received funding  
14 from the Democratic National Committee through payments for a "town meeting." The  
15 Commission rejected the petition since it did not reasonably appear that patent fraud or  
16 violations occurred in the subject transaction which would require the withholding of  
17 payments. *See In re Carter-Mondale*, 642 F.2d at 544. The Commission noted that the  
18 underlying factual issues were in dispute, and that the appropriate forum to address the  
19 questions was the enforcement or audit context. Statement of Reasons, *Petition to Deny*  
20 *Certification of Matching Funds to Governor Bill Clinton*, approved June 25, 1992.

21           Further applying the standards articulated by the courts, the Commission rejected  
22 three requests to suspend or deny public funds in the 1996 presidential election cycle. *See*  
23 *Statement of Reasons, Request to Deny Public Funds to H. Ross Perot and Perot '96*,

1 approved October 17, 1996 (the Commission denied the request by Mr. Herb Rosenberg  
2 to deny certification of public funds to Mr. Perot's 1996 general election campaign);  
3 Statement of Reasons, *Petition to Deny Certification of Matching Funds to the Dole for*  
4 *President Committee*, approved August 8, 1996 (the Commission denied the request by  
5 the Democratic National Committee to suspend matching payments to the Dole for  
6 President Committee); Statement of Reasons, *Petition to Deny Certification of Matching*  
7 *Funds to the Clinton/Gore '96 Primary Committee, Inc.*, approved September 12, 1996  
8 (the Commission denied the request by the Dole for President Committee to suspend  
9 matching payments to the Clinton/Gore '96 Primary Committee).

10 **B. DISCUSSION**

11 The Commission has rejected the New York Delegation's request to deny  
12 certification of Patrick J. Buchanan and Ezola Foster for public funding for the 2000  
13 general election. The Commission based its decision on the following reasons: (1) the  
14 submission was not properly before the Commission; and (2) even if it were properly  
15 before the Commission, the submission does not meet the substantial burden that must be  
16 met to withhold public funds.

17 **1. Submission Not Properly Before the Commission**

18 Neither the Fund Act nor the Commission's regulations contain procedures  
19 addressing submissions requesting that the Commission deny the certification of public  
20 funds. Specifically, unlike the enforcement procedures under 2 U.S.C. § 437g, there are  
21 no provisions in the Fund Act or the Commission's regulations which provide an  
22 individual with a means to challenge a candidate's entitlement to public funds. In the  
23 absence of such a procedure, it appears that the New York Delegation's request that the

1 Commission deny certification of public funds to Patrick J. Buchanan and Ezola Foster  
2 was not properly before the Commission.

3 **2. Substantive Arguments to Deny Requests**

4 Even if the submission was properly before the Commission, the Commission has  
5 concluded that the allegations made against Mr. Buchanan and Ms. Foster do not satisfy  
6 the substantial burden that must be met to withhold certification of public funds. The  
7 Commission has rejected the New York Delegation's request to deny certification of  
8 Patrick J. Buchanan and Ezola Foster for public funding for the 2000 general election.  
9 ~~The allegations made against Mr. Buchanan and Ms. Foster do not satisfy the substantial~~  
10 ~~burden that must be met to withhold certification of public funds. While not purely~~  
11 ministerial, the Commission's review of public funding applications is limited to  
12 determining whether the applications adequately comply with the eligibility requirements  
13 set forth in the Fund Act. The Fund Act obligates the Commission to make an initial  
14 determination within 10 days of the candidate's meeting all applicable conditions for  
15 eligibility. 26 U.S.C. § 9005. Absent patent irregularities suggesting the possibility of  
16 fraud, the Commission is precluded from withholding funds from a candidate "once the  
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18 speech considerations inherent in public campaign financing." *In re Carter-Mondale*  
19 *Reelection Committee, Inc.*, 642 F.2d 538, 544 (D.C. Cir. 1980). To justify withholding  
20 funding, the Commission should have a reasonable belief that patent fraud or another  
21 major violation has occurred. *See LaRouche*, 996 F.2d at 1267. The Commission should  
22 also avoid basing its findings on speculative allegations and should favor a policy that  
23 allows for prompt payments of public funds, even if it must forgo a thorough

1 investigation at the initial stage. *CTEL*, 613 F.2d at 841. The Commission does not  
2 possess evidence that Mr. Buchanan's application for public funds contains patent  
3 irregularities or the possibility of fraud.

4 Moreover, the New York Delegation's allegations primarily relate to the Reform  
5 Party's internal rules and procedures. The Fund Act's definition of "candidate" explicitly  
6 requires the Commission to rely on the states' determinations of who appears on the  
7 general election ballot for each party. *See* 26 U.S.C. § 9002(2)(B); 11 C.F.R.  
8 § 9002.2(a)(2). The Commission should not entangle itself in the complexities of party  
9 rules or procedures as the Fund Act does not define eligibility in terms of a political  
10 party's actions. Thus, the Commission should not substitute its own judgment for that of  
11 a state with regard to who should appear on a state ballot as a party nominee. *See*  
12 Statement of Reasons, *Request to Deny Funds to H. Ross Perot and Perot '96*, approved  
13 October 17, 1996. Similarly, the New York Delegation's submission relates to events of  
14 competing factions of the Reform Party and raises questions regarding which faction is  
15 the "true" Reform Party. However, the Commission's regulations indicate that a  
16 "political party" is an association that nominates or selects an individual for federal office  
17 whose name appears on the general election ballot as the candidate for that association.  
18 *See* 11 C.F.R. § 9002.15. As Mr. Buchanan and Ms. Foster have submitted  
19 documentation demonstrating that they have qualified to appear on numerous general  
20 election ballots as Reform Party candidates, they meet the Fund Act's definition of  
21 "candidate," and the Reform Party, under whose designation they run, meets the  
22 definition of "political party." *See also* Advisory Opinion 1998-2 (The Commission has  
23 recognized the Reform Party as a political party).

1           Therefore, consistent with past Commission practice and judicial precedent, the  
2 Commission rejects the request by the New York Delegation to withhold certification of  
3 public funds to Mr. Buchanan and Ms. Foster.

4 **IV. COMMISSION DETERMINATION**

5           For the foregoing reasons, the Commission has denied the request of the New  
6 York Delegation to deny certification of public funds for the 2000 general election to Mr.  
7 Patrick J. Buchanan and Ms. Ezola Foster.

8

9 **Attachment**

- 10           1. The New York Delegation's Submission Requesting that the Commission  
11           Deny Certification of Public Funds to Patrick Buchanan and Ezola Foster,  
12           dated August 28, 2000.

13

14

15

