



LIBERTARIAN PARTY OF
MASSACHUSETTS

MASSACHUSETTS LIBERTY

DECEMBER 2008

Letter from the Chair

David Blau Leads LPMA in 2009

From the Chair, December 2008

Hello. My name is David Blau, and I am the new chair of the Libertarian Party of Massachusetts. I'd like to take a moment to introduce myself to you, and say a few words about the Libertarian movement in our commonwealth.

I am truly honored to be taking over from George Phillies. George has been a determined advocate and a strong voice for libertarian principles for a long time. He has led with a deft touch and a clear libertarian vision, and he has not hesitated to stand up to those who would threaten liberty, from without our party or within. He provided a shining moment of unity amongst a fog of divisiveness when, at the National Convention in May, George delivered a rousing speech that earned him a well-deserved standing ovation from the delegates. I have never been so proud to be a member of the Libertarian Party, and I am honored to take this responsibility from his shoulders. George is still a member of the State Committee, serving as Treasurer and Membership Secretary, and I am glad he will lend his voice to counsel the state party moving forward.

My own journey as a libertarian began almost a decade ago, when I first read Ayn Rand's *Atlas Shrugged*. I had always known that the system of partisan politics in our great nation was flawed, but until then I had not been able to articulate the causes. From there, it was only a matter of time until I joined the Libertarian Party, in December of 2004. I had decided that educating others about the principles of liberty must lead, inevitably, to libertarians in public office, and I wanted to be a part of that effort. I joined the Chicago chapter, and through the wonderful friends I met there, I became ever more convinced that the future is bright.

My focus as chair is very simple: I want to get libertarians elected to public office in Massachusetts. Elections to town meeting, selectman, city boards, and other offices occur on an ongoing basis, not just every second year. We have a duty to contest those elections, with candidates who will stand up for our social and economic principles. As part of this effort, I'm going to work very hard with our Political Facilitator, Bob Underwood, to recruit the best candidates from across our commonwealth and to contribute money and manpower to their campaigns. I am working with our Webmaster Mary-Anne Wolf and our Operations Facilitator Art Torrey to develop a new website with a fresh, modern look that will attract attention to our Party. George and I are poring over membership rolls, past and present, to find missing supporters and develop a plan to raise revenues. And of course, I would be remiss not to say that our Newsletter Editor Steve Greffenius has been very hard at work to expand our public relations campaign, by providing this newsletter in both print and electronic form, every month.

I am very excited about the potential for this coming year. We are gaining ground on the Democrats and Republicans, make no mistake. With this past election year being a disaster for the GOP, we have a serious chance to displace some Republicans in local offices. If we can get only a few Libertarians elected, we can develop momentum, and in a few years time, we can be a powerful political force in the state.

My friends in Liberty, the future truly is bright!

David Blau
State Chair
Libertarian Party of Massachusetts

Political Party or Political Designation: Seeking Your Opinion

by Mary-Anne Wolf and George Phillies

Before the most recent election, the Libertarian Party of Massachusetts was a Political Designation. This is the phrase which the Massachusetts government uses to refer to "minor" political parties. In order for someone to be a registered voter enrolled with a Political Designation, they must on the voter registration form check the right box and write "Libertarian". To get on the ballot as a candidate of a Political Designation, you must file nominating papers with enough signatures. Any registered voter can sign your nominating papers. You are then on the General Election ballot.

When a candidate in a statewide election from a Political Designation gets more than 3% of the vote, or when more than 1% of voters register under that Political Designation, then the Political Designation becomes a Political Party. "Political Party" is how Massachusetts refers to "major" Political Parties. In the most recent election, Robert Underwood got 3.2%, which means that "Libertarian" is now a Political Party and not a Political Designation. Once the new Voter Registration forms are out, to become a registered voter enrolled with the Libertarian Party, they only need to check the right box; they do not need to write "Libertarian".

To get on the ballot as a candidate of a Political Party, with one exception you must file nominating papers with enough signatures. You must then win your September Primary. Political Parties do not need to gather signatures in order to get a presidential candidate onto the ballot. However, if we are a Political Party, then when we gather signatures to put a candidate onto the ballot in our primary election, only voters who are enrolled in our party, or "unenrolled" voters who belong to no party, may sign our nominating papers. Democrats and Republicans may not sign our nominating papers if we are a Political Party.

No matter whether we are a Political Party or a Political Designation, anyone can enroll in our Party by checking off the correct box on the Voter Registration form. Anyone who enrolls in our party is entitled to run as a Libertarian candidate in a partisan race or in our primary, including candidates some of us do not agree with. However, from past history, a large subset of those who register "Libertarian" when we are a Political Party are not libertarians. Many are not especially receptive

when approached by would-be candidates seeking signatures.

There are more "unenrolled" voters than any other kind, but "unenrolled" voters are often not receptive to signing papers to get candidates onto the ballot, although the extent of this may vary with geography. Robert Underwood actually counted the party enrollments of the people who signed to get him onto the ballot in an election, and the majority were Democrats.

Those who are against being, or remaining, a Political Party, point out how expensive and difficult it is to get candidates onto the ballot under Political Party rules.

Those who are in favor of being a Political Party point out that our candidates, whose resources are so small in comparison to the size of their race that running as a candidate of a Political Party would be a problem for them, never win those elections, and never even come close to winning. Reasonable people can debate how much our party is promoted by running and losing badly. Some people suggest that competing in local nonpartisan races would be more likely to lead to victory. The history of our candidates in local races is mixed, but there certainly have been candidates who won their local nonpartisan elections. Then again, some places, such as Waltham, do not have local elections which can be won with few resources.

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Those who are against being a Political Party also point out that there are state laws which apply to Political Parties and do not apply to Political Designations, such as who chooses members of the State Committee, and how large the State Committee is. If we are a political party, our State Committee is composed of 80 members, one man and one woman from each State Senate District, chosen by and from the voters who are registered "Libertarian". Dues-paying members who are not registered "Libertarian" could not serve on the State Committee and could not vote for State Committee.

We have some choices about what to do. Feedback about these choices from party membership is strongly desired by the State Committee.

If we do nothing, "Libertarian" will be a Political Party until the next election where there are candidates for statewide office, in the current case, 2010. If 1% of all voters are registered Libertarian, we would remain a Political Party. If we ran a candidate for statewide office in 2010 and he got 3% of the vote, we would remain a major party. Otherwise, we would go back to being a Political Designation after the 2010 election.

The rules for signature gathering make it very unlikely that we will be able to get any candidates onto the ballot for statewide partisan office in the 2010 election. We would need far larger financial resources to pay professional petitioners, or far more volunteers than we now have. Assuming that our resources stay about the same, we will not have a candidate for statewide office on the ballot in 2010,

If we "disorganized" now, we could go back to being a Political Designation voluntarily almost right away. This would avoid dealing with a new set of laws, and make it easier to get candidates onto the ballot for partisan statewide office in 2010 and before, but disorganizing has the disadvantages already discussed.

A solution that our organization has tried before is to have a State Committee that administers the Political Party, and a private organization that files as two Political Action Committees, one state and one Federal. People who wanted to run as Libertarians or to vote for the State Committee, should we get to 2012 as a Political Party, would need to register to vote as "Libertarian". People who want to belong to the private organization would pay dues to that organization.

Libertarian-leaning candidates would have two choices. They could register "Libertarian" and

collect signatures under Political Party rules. Alternatively, they could register as "Unenrolled" or with one of the other libertarian-leaning Political Designations, e.g., the "Liberty Party" and run as an independent or with that party. Membership in the private organization, the group that publishes this newsletter, would be unrelated to running for office.

Another alternative under discussion is a lawsuit. Reasonable people could observe that the current system distinguishing the two kinds of political organizations makes it very difficult for an alternative political party to establish itself, and also makes ballot access so consuming of time and money that candidates have nothing left to campaign with. I am not a lawyer, but my personal opinion is that the current system is clearly unfair and frustrating for people like us, but whether that makes the current system illegal is less clear.

There are various principles on which a lawsuit could be based, and which have been discussed. We could argue that not letting people who do not belong to our party sign petitions to get our candidates onto the ballot violates our freedom of association. We could argue that the distinction between Political Party and Political Designation makes different political organizations unequal in the eyes of the law.

The United States is a signatory of the 1990 Copenhagen Document, which includes (as copied from the OSCE website) "7.5 - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination; 7.6 - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities".

However, in a ruling that the First Amendment did not require states to allow a "Fusion" candidate to run while affiliated with multiple parties, the majority decision of the U.S. Supreme Court included, "States also have a strong interest in the stability of their political systems. This interest does not permit a State to completely insulate the two party system from minor parties' or independent candidates' competition and influence, nor is it a paternalistic license for States to protect political parties from the consequences of their own internal disagreements. That said, the States' interest permits them to enact

reasonable election regulations that may, in practice, favor the traditional two party system, and that temper the destabilizing effects of party splintering and excessive factionalism. The Constitution permits the Minnesota Legislature to decide that political stability is best served through a healthy two party system. And while an interest in securing the perceived benefits of a stable two party system will not justify unreasonably exclusionary restrictions, States need not remove all of the many hurdles third parties face in the American political arena today." (citations removed)

In response, a Ballot Access News article states that this Supreme Court opinion clearly violates the Copenhagen Document. However,

Mary-Anne Wolf is LPMA's Webmaster and is an elected Town Meeting member.

George Phillies currently serves as LPMA's Treasurer and Membership Coordinator

Libertarian National Committee Meets

by George Phillies

December 5th -- I flew off to San Diego to listen to the Libertarian National Committee meeting.

A long description follows. If you have the impression they did almost nothing at great expense, well, I agree with you. However, the LNC goes through over a million a year of libertarian money, so you really should worry about what it is doing with it.

The big commotion in advance was over the motion by Stuart Flood to expel Angela Keaton from the National Committee. Every LNC member was present for the meeting; the gallery was filled with 30 spectators. Mike Seebeck with the Libertarian Transparency Caucus videotaped the meeting. Segments are available on the web at <http://www.justin.tv/tannim123>.

The first surprise for spectators was mention that David Nolan had prepared a resolution condemning the Barr campaign's management of its Presidential campaign. Nolan is not an LNC member; the resolution was submitted by Tony Ryan. Motions to delete the Barr and Keaton resolutions from the Agenda failed.

The meeting opens with comments from the gallery. Andy Jacobs protested at some length that the LNC political director had demanded that LPMA burn several thousand signatures for Barr and Underwood. We did not of course burn the signatures, but that was not the

the Copenhagen Document is not discussed in any of the versions of the majority or dissenting Supreme Court opinions that we can find, so the obligations of our government to follow this treaty are not obvious.

Lawsuits are extremely expensive. The Substitution suit we are now undertaking would have cost us \$200,000 in legal fees, were it not being undertaken pro bono.

So these are the alternatives we know about: remain a Party until 2010, disorganize, have a Political Party legally separate from the group here, or sue. The above reflects the combined understanding by these writers of our situation. Other State Committee and Party members may hold differing opinions.

issue. Ron Power urged that the LNC should reach out to the left and not just the right, contrary to its past practice.

Chair William Redpath dropped a bombshell. The Barr campaign generated a large list of donors and volunteers. The campaign refuses to share that list with the LNC. They are keeping that list for themselves until they pay off the campaign's debts, which are close to a quarter million dollars. There was no suggestion that they will share that list with the LNC at a later date.

The Treasurer's Report indicated that the LNC has more liabilities than cash on hand, but that the money we receive as payments from a bequest will bring us up roughly to zero net available assets. Income next year is expected to fall substantially.

The Convention committee has chosen St. Louis as the site for the 2010 state convention. The hotel is a Marriott. It does not have internet access in the rooms.

Wayne Root was allowed to speak for the better part of 30 minutes. He did not hesitate to take questions. Most important point: The Barr campaign owes him about \$20,000 for his expenses, and had lost and ignored his messages to them asking for payment. Most of his speech was in fact the launch of his 2012 Presidential campaign. He did note that he had been vigorous on seeking radio interviews and other media, much more successful than our

prior recent VP candidates. He participated in a variety of events, such as the San Francisco Pride festival. Unlike his running mate he had been supportive and effective on getting into a debate with other candidates running for the same office.

The Committee then considered a resolution authored by Party Founder David Nolan condemning the Barr campaign. The Resolution asserted that Barr talked of millions of votes and tens of millions of dollars, and totally failed to deliver, in large part because of incompetence and lack of support of Libertarian principles. The resolution then resolved that the LNC expresses extreme disappointment with the campaign, condemns Russ Verney and Shane Cory as campaign managers, and specifically disavows responsibility for the campaign's huge debts. A Bill of Particulars noted that Barr had regularly avoided the word "Libertarian", notably in his literature, massively misspent the money he did raise, only achieved ballot access in 45 states, insulted Ron Paul, and insulted all of our prior Presidential candidates. The list of ill-spent funds included "Campaign staffers were paid inflated salaries; money was spent on refurbishing Bob Barr's Atlanta offices; "political consultants" were paid at least \$100,000; \$19,000 was spent on limousines. But almost nothing was spent on promoting Barr or the Libertarian Party via paid broadcast or print advertising." After considerable debate, the motion to adopt the Resolution was defeated.

Staff reports largely focused on ballot access. We have ballot access in Maryland through 2010 and have retained access in North Carolina, an enormous positive outcome. There was a conversation with the Party Attorney in Executive session. Bill Hall was not enthusiastic about continuing as the LNC's attorney. I have since learned that other candidates for the post are being recruited.

After lunch, Stuart Flood moved to expel Angela Keaton from the LNC. The resolution, which was not available to the accused the day before the meeting, began:

Whereas, Angela Keaton has engaged in conduct injurious to the Libertarian Party and its purposes; now, therefore, be it

RESOLVED, That Angela Keaton's membership in the Libertarian National Committee is suspended pursuant to Article 8, Section 5 of the Bylaws of the Libertarian Party; and further be it

RESOLVED, That the aforementioned suspension is hereby rescinded, contingent upon a determination by the Secretary that Angela Keaton has submitted within seven days of the adoption of this resolution a letter for publication in LP News including (and limited to)...

There followed a long list of complaints about her. Noteworthy on the list was "An apology to the members of the Libertarian Party of New Hampshire for attempting on August 21, 2008 to sabotage the party's attempt to win the right to candidate substitution for future elections."

The Libertarian Party of New Hampshire had previously expressed an opinion of this complaint, namely in a letter to their LNC representative, Dan Karlan, they wrote

"Mr. Karlan: LPNH has no grievance against Angela Keaton. The preponderance of opinion among our officers and other active members is that this is foolish, petty, and true to form for LPN. The author of this did not consult with LPNH, and his attempt to embroil our party in this is contemptible. See to it that any reference to LPNH is removed from this resolution. - Philip Hodson, LPNH chair"

The letter also went to the LNC Chair and many others. Dan Karlan made no effort during the meeting to remove the false claims from the motion. You will not read in the draft minutes Mr. Wrights' reminder that if Angela Keaton had supported candidates of another party, than so had most of the LNC, namely most of the LNC had voted to give material support to the Ron Paul Republican campaign.

A half dozen state committees had sent resolutions urging that the LNC not waste its time on this. The resolutions were entirely ignored.

After an hour and a half of this -- you can watch the video -- the LNC did not give Keaton the courtesy of a vote on the matter. They instead voted to create a "dispute resolution committee" to review the issues.

Authorial comment: This was transparently a battle between our party's radical and establishment wings. The radicals had the votes to vote down the original motion and end the issue. They did not have the good sense to do so. They instead guaranteed that the issue would drag out until the Charleston meeting. Ms. Keaton instead has quit the LNC in disgust, meaning that it is fairly likely that she, a radical, will be replaced with an establishment candidate.

The LNC then was offered a motion to consider a new Mission Statement "The mission of the LP is to move public policy in a libertarian direction by building a network of pro-freedom activists who can effectively support public policy changes and oppose negative changes by working within the political process on an issue-by-issue basis."

The Motion had not been discussed in detail prior to the meeting. I see contradictory statements as to whether the exact motion had been submitted to the National Committee in advance. An hour was allotted for discussing the motion; at the end, consideration was postponed to the next meeting.

The discussion then turned to a discussion of goals for the rest of the Committee's term. There was a prolonged discussion of how voting would proceed on goals. On goals:

#1 48 state ballot access. It was clear from discussion that no one had gone through in advance and worked out, state by state, what could actually be done in the next 18 months. Ruwart moved that the committee should in the next 18 months raise 1/3 of the money that will be needed through 2012 or this purpose. Her amendment was defeated. Further discussion was postponed until March.

#2 18,000 members as of 12/31/2009. Paths to this end were not discussed.

#3) The LNC will ensure that each state has an operational affiliate party by July 1, 2009. Their definition of "Operational state affiliate" is a bit strange, namely it does not include actually doing any politics. Instead:

- There is a properly maintained website for the affiliate.
- There is at least one LP member in the state who actively serves as an official contact for the affiliate in its dealings with the LNC, and there is at least one LP member in the state who actively serves as a contact for the affiliate in its dealings with the state government.
- LPHQ has a copy of the current bylaws and associated documents for the affiliate, along with a copy of the relevant laws of that state regarding political parties and ballot access.

After an hour, the goals discussion got almost no place. Discussion was postponed until the March LNC Meeting.

There is an ongoing search for an Executive Director. I am quite sure I heard it said that there is no money to hire an Executive

Director, and therefore the search is not really going any where, but it is continuing.

We have reached the end of Saturday. I was challenged by a very prominent Libertarian to name one significant thing the LNC had done this day. I clutched at straws, but failed.

The Sunday meeting opened bright and early. The Resolution Committee was named to be: Rachel Hawkridge, Tony Ryan, Mary Ruwart, Rebecca Sink-Burris, Admiral Michael Colley, and Michael Jingoian. Angela Keaton declined to have anything to do with the committee.

The committee moved to discussing the budget. They first went to Executive Session. I have learned that the discussion topic was staff reductions. The compensation line was cut from around \$320,000 to under \$250,000, so there will be reductions. I have not yet learned who.

The LNC did appropriate \$15,000 out of their estimated 1.3 million dollar budget to join the Washington State 'top two' litigation, which makes it illegal for third party candidates to run in November in significant races.

There was considerable debate on spending lines, almost none of which was minuted. Membership recruitment by direct mail is estimated to cost \$84 a member; we will be doing a lot of it. Membership recruitment via internet will cost far less; Ruwart's proposal to move money to internet recruiting was in the end not supported.

The final budget included 1.19 million dollars in income, assuming that membership dues will rise from \$394,000 to \$550,000, and included spending:

- LP News will apparently be cut from monthly or so to quarterly.
- Nothing for Affiliate Support
- Nothing for Ballot Access
- Nothing for Brand Development
- Nothing for Campus Outreach Nothing for Lobbying
- \$500 toward a reserve fund
- \$5,000 for Candidate Support
- \$6,000 for Media Relations
- \$28,000 for Member Communications
- \$35,000 for Litigation
- \$430,000 for membership recruiting and fund raising
- \$378,700 for Administrative Expense

\$309,800 for Compensation - that's not the number I thought I saw on the screen, but computer displays are not reliable

The budget passed 10-6. Voting in favor: Michael Jingoian, Aaron Starr, Bob Sullentrup, Michael Colley, Pat Dixon, Tony Ryan, Mark Hinkle, Rebecca Sink-Burris, Stewart Flood, Dan Karlan. Opposed: Angela Keaton, Lee Wrights, Mary Ruwart, James Lark, Julie Fox, Rachel Hawkrigde. Bill Redpath as chair did not vote. There was a dispute as to whether the budget had passed, because 2/3 votes are required to pass new material, but the budget was ruled to be the old material, not the details released only at the meeting.

The Platform Committee will be Adam Mayer, Rebecca Sink-Burris, Richard Randall, Brian Holtz, Alicia Mattson, Stephen Gordon, John Roland, Rob Power, Joe Hauptman, and Susan Hogarth. Mattson was appointed as interim chair.

Bill Redpath appointed M Carling as the LNC's Parliamentarian. Redpath then left.

There was a discussion of the Libertarian National Congressional Committee. The LNCC gave no money to any federal candidates. It gave \$500 each to four NH State Rep candidates, namely Morey Strauss, Brendan Kelley, Rich Tomasso, and Lisa Wilbur, who it claimed were running particularly effective campaigns. My sources in New Hampshire say that the first two were campaigning, and the other two were running paper campaigns.

There was discussion of rules for approving participation in lawsuits. After prolonged discussion, the matter was referred to counsel and no action was taken.

The National Director proposed that LNC members sign a volunteer confidentiality statement. Several members refused. The issue was postponed until March.

The LNC passed a resolution condemning violations of the posse committatus act by the Bush administration. It then went to executive session to discuss the need for legal counsel, and finally adjourned.

Boston Area Meetup Group Meets January 11, 2009

The next meeting of the Boston Area Meetup Group is Sunday, January 11 at 7:00 p.m. We are meeting at Joe's American Bar & Grill, 279 Dartmouth Street in Boston. Our group always meets the second Sunday of each month. For more information, contact David Blau, blau.liberty@gmail.com, telephone 312-497-9903, or visit <http://libertarian.meetup.com/349/>.

Lowell Area Liberty Association Meets January 27, 2009

The next meeting of the Lowell Area Liberty Association (Route 495 Area Libertarian meetup) is Tuesday, January 27, at 8:00 p.m. All meetings are at the Outback Steakhouse, 28 Reiss Avenue in Lowell. The meetup is a monthly gathering for dinner and discussion. For more information, contact Arthur Torrey at arthur_torrey@comcast.net, call Arthur at 978-663-0241, or visit <http://libertarian.meetup.com/413/>.

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