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Thursday, April 9, 2009

By Email and Facsimile

NSS Board of Governors
National Speleological Society
2813 Cave Ave
Huntsville AL 35810-4431

To the Officers and Directors of the National Speleological Society:

I write to express my formal objection to the actions of NSS President Gordon Birkhimer regarding the 2009 NSS Directors Election. It is my belief that his actions are in violation of the letter and spirit of the NSS Bylaws, particularly Section IV Paragraph A (2), and with Act 02-403 Conduct of Elections, and specifically Appendix X of the Board of Governors Manual, the Policy for Conduct of NSS Elections, items 6 and 7.

I am NSS member number 21117LF, a fully-paid Life Member and Fellow and have standing as a dues-paid member to bring this objection and complaint.

Additional details of my objections and complaint are provided on the attached pages.

I await your reply and response.

Sincerely,



William O. Putnam
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cc: Bill Steele, NSS Nominating Committee Chairman
Gordon Birkhimer, NSS President

bp/BP

Background

I have spoken with Bill Steele, the chairman of the NSS Nominating Committee about this situation. In fact, I called him Wednesday, before I even sat down to post my comments, right after I tried to call Lee. Lee's line was busy but Bill was kind enough to answer my questions, in spite of the fact that he is presently on a caving expedition in Mexico.

I will not speak for Bill, but I will note that the call for nominations was published in the December 2008 NSS News, on page 29, under the heading "Society News" and was also published in the NSS Online Forum on January 22, 2009.

It is my understanding that all the individuals who submitted nominations and platform statements by the published deadline of March 3, 2009 are included on the ballot.

If Lee did not notify the Nominating committee of his intention to run for reelection, or failed to submit his platform statement by the published deadline, then the lapse is Lee's and his omission from the ballot is proper. In that event, the mass mailing to the membership and announcements in the NSS online forum and in other venues is improper, as it gives Lee an unfair advantage over other candidates (targeted direct mail publicity), particularly over other write-in candidates.

If, on the other hand, the omission was due to a lapse on the part of the Nominating Committee, then Lee was put at a disadvantage which cannot be rectified by the email and web announcements for at least the reasons noted above.

In addition, this method is not fair to the membership. Not all NSS members have email addresses or have submitted them to the NSS, and not all NSS members read this forum or the other email and web venues where this has been announced. Further, the NSS mass emailing was apparently done incorrectly and Family Regular members (hundreds of people?) were apparently not included. In addition, it has been reported that more than 1,300 of the addresses in the initial mass email announcement bounced. Finally, email is an inherently unreliable means of communication, as anyone working in the computer and information technology industry (as I do) can attest, and no matter what you do some members will not get the message. Thus, it is likely that a substantial number of members will vote their ballots without ever knowing that Lee wished to be considered.

Furthermore, Gordon's "solution" is unfair to other write-in candidates. For example, suppose I wished to mount a write-in campaign as well. Will Gordon email and post my platform statement to all members with an enthusiastic endorsement as he has done for Lee? Even if he does, would that be fair to the other candidates on the official ballot, or to

other potential write-in candidates, or, for that matter, to the voters?

Elections are legal procedures governed by rules of conduct. I do not know of any NSS policy, act, bylaw, or constitutional provision that would allow this solution. In point of fact, it is not up to Gordon to decide this issue. It is up to the acts, bylaws, and articles of the NSS governing documents. If they do not specify a solution, it is an issue for the Board of Governors and the Nominating Committee, not for the President and the candidate.

The current situation and solution would not be acceptable in an election of directors by the shareholders of a publicly traded corporation, nor would it be acceptable in a local, state, or national election to political office. Can you imagine Hillary Clinton or John McCain endorsing such a solution last November, or the president of IBM endorsing such a solution at the annual shareholders meeting?

In short, it does not matter whether Gordon thinks this is the most economical solution or whether Lee feels this is fair and reasonable. Lee is a fine person and a good director, and Gordon is trying to save the Society some money, and I am all for that, but that is not the point here. Good intentions are not enough to justify ignoring or circumventing the rules - we all know what is paved with good intentions. The rules exist in order to ensure fairness and consistency, and are not to be flaunted for the sake of expediency or economy.

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