

SPECIAL MEETING MINUTES  
LIBERTARIAN NATIONAL COMMITTEE  
JANUARY 23, 2022  
VIA ZOOM



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PREPARED BY **CARYN ANN HARLOS**, LNC SECRETARY

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**LEGEND:** *text to be inserted*, ~~text to be deleted~~, unchanged existing text, *substantive final main motions*.

All main substantive motions will be set off by *bold and italics in green font* (with related subsidiary and incidental motions *set off by highlighted italics*) and will be assigned a motion number comprising the date and a sequential number to be recorded in the Secretary's Main Motion/Ballot Tally record located at <https://tinyurl.com/lncvotes2022>

Points of Order and substantive objections will be indicated in **BOLD RED TEXT**.

All vote results, challenges, and rulings will be set off by **BOLD ITALICS**.

The LPedia article for this meeting can be found at:  
[https://lpedia.org/wiki/LNC Meeting 23 January 2022](https://lpedia.org/wiki/LNC_Meeting_23_January_2022)

Recordings for this meeting can be found at the LPedia link.

The QR codes lead to the video portion of the video being discussed. The code is also clickable for those viewing electronically.

## OPENING CEREMONY

### CALL TO ORDER

Chair Whitney Bilyeu called the meeting to order at 7:00 p.m. (all times Eastern).

### OPPORTUNITY FOR PUBLIC COMMENT

The following members gave public comment:

- Dan Lewis (IL)
- George Phillies (MA)
- Nicholas Sarwark (NH)

***WITHOUT OBJECTION, Moellman moved to end public comment.***

## HOUSEKEEPING

### ATTENDANCE

The following were in attendance:<sup>1</sup>

**Officers:** Whitney Bilyeu (Chair), Ken Moellman (Vice-Chair), John Wilford (Secretary), Tum Hagan (Treasurer)

**At-Large Representatives:** Richard Longstreth, Eric Raudsep, Valeria Sarwark, Joshua Smith

**Regional Representatives:** Steven Nekhaila (Region 2), Dustin Nanna (Region 3), Susan Hogarth (Region 5), Erin Adams (Region 7), Rich Bowen (Region 8)

**Regional Alternates:** Alex Flores (Region 1), Jared Hall (Region 3), Tim Ferreira (Region 4), Matthew Bughman (Region 6), Beth Vest (Region 7), Pat Ford (Region 8)

**Absent:** Otto Dassing (Region 5 Alternate), Laura Ebke (At-Large Representative), John Phillips (Region 6 Representative), David Sexton (Region 2 Alternate)

**Staff:** Tyler Harris (Executive Director)

**Appearing on Behalf of the Various Interests for the Libertarian Association of Massachusetts:** Cris Crawford (State Committee Member of the Libertarian Association of Massachusetts), Brodi Elwood (Chair of Libertarian Party of Middlesex County), Daniel

<sup>1</sup> Mr. Hewitt and Mr. Smith both arrived after roll call during the first half of the meeting. Mr. Luchini arrived during the second half of the meeting.

Fishman (Longtime Past Member), Janel Holmes (Communications Director of the Libertarian Association of Massachusetts and Chair of the Libertarian Party of Worcester County), George Phillis (Member and Past Multi-Term State Committee Member), Ann Reed (Vice-Chair of the Libertarian Party of Worcester County)

**Additional Attendees:** Richard Brown (Parliamentarian)

The gallery contained many members of the public/Party members as attendees.

**PURPOSE OF SPECIAL MEETING**

The meeting was called to discuss the ongoing issues with the Libertarian Association of Massachusetts (LAMA). Documents submitted in advance for review by the LNC are attached hereto as appendices.

**NEW BUSINESS WITH PREVIOUS NOTICE**

**ONGOING ISSUES WITH LAMA**



*Ms. Hogarth moved to limit this meeting to no more than one (1) hour from the passage of her motion.*

A roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Adams		X	
Bowen		X	
Hagan		X	
Hewitt/Ferreira		X	
Hogarth	X		
Luchini/Flores		X	
Longstreth		X	
Moellman		X	
Nanna		X	
Nekhaila		X	
Phillips/Bughman	X		
Raudsep		X	
Sarwark	X		
Wilford	X		
Bilyeu			X
<b>TOTALS</b>	<b>4</b>	<b>10</b>	<b>1</b>

This motion **FAILED** with a roll call vote of 4-10-1.

*Ms. Sarwark moved to adjourn.*

A roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Adams		X	
Bowen		X	
Hagan		X	
Hewitt/Ferreira		X	
Hogarth	X		
Luchini/Flores		X	
Longstreth			X
Moellman		X	
Nanna		X	
Nekhaila		X	
Phillips/Bughman	X		
Raudsep		X	
Sarwark	X		
Wilford	X		
Bilyeu			X
<b>TOTALS</b>	<b>4</b>	<b>9</b>	<b>2</b>

This motion **FAILED** with a roll call vote of 4-9-2.

Cris Crawford, Daniel Fishman, and George Phillies gave an overview of history and interplay between the two entities known as the Libertarian Party of Massachusetts and the Libertarian Association of Massachusetts. They also gave background commentary on the present dispute along with Janel Holmes and Brodi Ellwood.

Mr. Fishman responded to questions as to whether or not persons elected to public office in Massachusetts can remain as state committee members of the PAC known as LAMA under the Commonwealth's laws.

Mr. Longstreth announced that he would have to leave the meeting.

*Mr. Wilford moved to adjourn.*

A roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Adams		X	
Bowen		X	
Hagan	X		
Hewitt	X		
Hogarth	X		
Luchini/Flores		X	

Member / Alternate	Yes	No	Abstain
Moellman		X	
Nanna			X
Nekhaila		X	
Phillips/Bughman	X		
Raudsep		X	
Sarwark	X		
Smith		X	
Wilford	X		
Bilyeu			X
<b>TOTALS</b>	<b>6</b>	<b>7</b>	<b>2</b>

This motion **FAILED** with a roll call vote of 6-7-2.

### MOTIONS REGARDING THE ONGOING SITUATION WITH LAMA



*Mr. Smith moved to recognize the results of the special convention (as petitioned for by LAMA members) being held on February 12<sup>th</sup>.*

Nanna raised a **POINT OF ORDER** that the motion was not in order at a special meeting that was not called for that purpose.

Ms. Bilyeu ruled the motion **OUT OF ORDER** for the reasons stated by Mr. Nanna.

Mr. Smith **APPEALED** from the ruling of the chair

A roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Adams	X		
Bowen		X	
Hagan	X		
Hewitt	X		
Hogarth	X		
Luchini/Flores <sup>2</sup>		X	
Moellman	X		
Nanna	X		
Nekhaila	X		
Phillips/Bughman	X		
Raudsep	X		
Sarwark	X		
Smith		X	
Wilford	X		

<sup>2</sup> Mr. Luchini arrived at the meeting but deferred this vote Mr. Flores.

Member / Alternate	Yes	No	Abstain
Bilyeu			X
<b>TOTALS</b>	<b>11</b>	<b>3</b>	<b>1</b>

The ruling of the Chair was **SUSTAINED** with a roll call vote of 11-3-1.

**Mr. Smith moved to adjourn to February 6th at 7:30 p.m. Eastern to consider matters related to Massachusetts.**

**WITHOUT OBJECTION, Mr. Smith amended his motion to state: Move to set a special meeting on February 6 at 7:30 p.m. Eastern to consider matters related to Massachusetts.<sup>3</sup>**

A roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Adams	X		
Bowen	X		
Hagan		X	
Hewitt		X	
Hogarth	X		
Luchini	X		
Moellman	X		
Nanna	X		
Nekhaila	X		
Phillips/Bughman		X	
Raudsep	X		
Sarwark		X	
Smith	X		
Wilford		X	
Bilyeu			X
<b>TOTALS</b>	<b>9</b>	<b>5</b>	<b>1</b>

**This motion PASSED with a roll call vote of 9-5-1. [20220123-01]**

It was confirmed with Ms. Crawford, Mr. Ellwood, and Ms. Holmes that they would be able to attend the meeting just set.

## ADJOURNMENT

The LNC adjourned **WITHOUT OBJECTION** at 9:48 p.m.

<sup>3</sup> Ms. Bilyeu informed Mr. Smith that he would need to have the substantive wording of any motions to be considered posting the LNC Business List at least seven (7) days prior to this meeting.





## TABLE OF NUMBERED MOTIONS/BALLOTS

\*Note that the master log of motions in 2022 can be found here: <https://tinyurl.com/lncvotes2022>

ID#	Motion/Ballot	Result
20220123-01	Set special meeting for February 6, 2022	<b>PASSED</b>

## TABLE OF APPENDICES

Appendix	Title	Author
<b>A</b>	Petition to the Libertarian National Committee for Relief	Various
<b>B</b>	Statement of SSLP on State Committee Actions of Jan. 10	South Shore Libertarian Party
<b>C</b>	Summary of Janel Holmes	Janel Holmes
<b>D</b>	Statement of Ashley Shade	Ashley Shade

Respectfully submitted,



LNC Secretary ~ Secretary@LP.org ~ 561.523.2250

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Petition to the Libertarian National Committee for relief:

January 11, 2022

A tiny faction of seven members of the LAMA state committee have failed in their responsibilities under the LAMA constitution of their open and declared intention [not to follow the state LAMA constitution](#). And we, who remain loyal members of the Libertarian Association of Massachusetts, ask the national party to intervene on our behalf.

The rogue LAMA State Committee violated its own constitution yesterday, January 10, to wit

Article II, Section 5. "If 10% or 500 (whichever is less) of the current dues paying membership signs a petition requesting a special state convention, and mails or presents the petition papers to the state committee, the state committee must organize a state convention to be held between 30 and 60 days of the date of delivery of the petition to the state committee. In a single calendar year a state party member may not sign more than one petition requesting a special state convention.

The petition shall specify the agenda of the special state convention, and the state committee may, by majority vote, append items to the end of that agenda, but may not otherwise change the agenda. The quorum for a special state convention shall be 10% or 500 (whichever is less) of the current dues paying membership of the party. If one or more dues paying state party members mails or presents to the state committee a written request to assemble a petition requesting a special state convention, then, within 60 days, the state committee must inform the dues paying members of this request, and the names and contact information for the party members who made the request. Other relevant information may also be included. State party members must be informed about the petition by placing the information on the first page of the party newsletter, and prominently on any electronic media controlled by the state committee.

Indeed, 46 LAMA members (of 204 total state members the month the signatures were received) signed a petition for the special convention, 22.3% of the dues-paying membership, did sign the petition and delivered it to the State Committee. That fact is not in dispute.

Also not in dispute is the fact that every one of the signatories has allegedly been ejected from the party for exercising their constitutional right to petition for this special convention. During an email broadcast to the members in the morning after the meeting Ashley Shade acknowledged that "In regards to the petition, the members have every right to submit a petition to request a Special State Convention." But at the same time the former chair admitted the rump state committee has no intention of holding the convention for which it was legitimately petitioned and required by the LAMA constitution to hold.

Note that the power of the membership to call a special convention and determine its agenda is plenary; there are no restrictions on what the petitioners may call for as an agenda. Indeed, the LAMA constitution redundantly notes that the State Committee is prohibited from restricting the

agenda in any way, noting that “and the state committee may, by majority vote, append items to the end of that agenda, but **may not otherwise change the agenda.**”

Any claim that a petition for a special convention to call for new leadership as unconstitutional is false on its face by anyone with the power to read plain English.

But the meeting minutes from the January 10 Zoom meeting show a desperation by committee members to maintain their positions, and a filial loyalty by the chair to enable their retention in office, regardless of what rules they would have to break.

Cris Crawford remarked: “This is not a difference of opinion, this is Mises Caucus trying to pack the national convention”

Jeremy Thompson complained “It is not fair to usurp the will of the last convention for a malicious caucus”

The minutes of the meeting show Chair Ashley Shade commenting that “We are responsible to the people who elected us to prevent a takeover.”

**It should be stressed that the very members who elected them are the ones they have allegedly removed from membership.** About a third of those who elected the current rump State Committee were among those allegedly kicked out of the party without cause, hearing or notice. No fewer than 10 of the signatories who were allegedly ejected from LAMA for signing the petition had also voted for the existing State Committee in March 2021. Moreover, the rump state committee members did not validate the election of two of its own state committee members, whom they voted to remove from office as a result of their support of the members’ petition rights for a special state convention under the LAMA constitution.

By this action, the rogue LAMA State Committee would reduce by one-quarter its total dues-paying membership.

This leadership **fully validated** the petitioners’ concerns, and made obvious why a special convention was necessary. Indeed, the petitioners only called the special convention because this tiny cabal has consistently and constantly conspired with corrupt intent to remain in leadership against the will of the membership, and has had their laser-like focus bearing down upon removing members for the past six months, rather than growing membership.

**They have mutually pledged to each other to make the Libertarian Party of Massachusetts membership as small and irrelevant as necessary in order for them to retain their State Committee positions.**

Make no mistake, this action by the rump state committee members was not about a takeover, nor was it to validate the votes of the earlier March 2021 regular state convention. We know they are dissembling; they know it, and they know we know it.

We do not want to see the Libertarian Party utterly destroyed in Massachusetts by this tiny faction of less than a dozen bad actors. We represent the two remaining legitimate members of the State Committee and the elected leadership of most of the state's local affiliates, the South Shore Libertarian Party, Worcester County Libertarian Party, Middlesex County Libertarian Party, Pioneer Valley Libertarian Party.

We also represent one of only three public office holders in the Commonwealth of Massachusetts who are Libertarian, a chairman of the Dighton-Rehoboth regional school committee.

We believe that the rules -- the constitution -- apply to all, in stark contrast with the rump state committee members who think no rules apply to them. We believe in a growing, vigorous Libertarian Party, in contrast with the insular cabal who never once talked about increasing membership in the past six months of State Committee meetings (review the meeting notes for yourself), but instead limited their focus to removing members and making the party smaller.

Indeed, with only 204 dues-paying members in a state of six million (now reduced by a quarter) the rump state committee members have acknowledged by their actions that they have not brought new members into the party in any significant way during their tenure. If they had, there'd be no fake, fevered concern about a "takeover." They'd have already brought in the votes for their own re-elections.

It is our view that the meeting of rump state committee members January 10 was not a legal meeting in terms of the LAMA constitution, because (1) it was held exclusively in executive session without a vote, and the LAMA requirement for parliamentary proceedings (Francis & Francis) does not account for executive sessions, (2) because any political party meeting chaired by a candidate for office or public official is in violation of the laws of the Commonwealth of Massachusetts, (3) there are no provisions in the LAMA constitution or by-laws for the mass expulsion of members without due process.

#### **The Special Convention will be held**

We, the undersigned, remain committed to holding that special state convention in line with the LAMA Constitution, and in fidelity to it, within the deadline required by the petitioners, with the remaining legitimate members of the LAMA State Committee.

We -- along with an invitation to all members -- plan to hold that special convention with the remaining legitimate members of the State Committee, within the timeline specified by the LAMA Constitution. We ask the rump state committee faction to share the membership roster for notification of the special convention. But whether they assist or not, we will make every possible attempt to contact and welcome all LAMA members to the convention. It will be open to all persons, and all dues-paying members of LAMA at the time the petition was presented to the State Committee shall have a vote, including the rump members of the state committee if they should choose to attend.

It should be stressed: We do not ask the LNC to dis-affiliate Massachusetts; to the contrary, we ask them to validate the results of the legitimate, required special convention under the LAMA charter.

And we ask the Libertarian National Committee to validate the results of that convention, whomever is elected, and to certify those new leaders as the legitimate State Committee for the Libertarian Party in the Commonwealth of Massachusetts.

Signed,

[State Committee members & Worcester Affiliate officers]

Charles H. Larkin

In-exile State Archivist, member, Worcester County Libertarian Party

Janel Holmes

Elected Massachusetts State Committee member, Chair Worcester County Libertarian Party

Vivian Eliza Nichols

Secretary, Worcester County Libertarian Party

[Other Local Affiliates]

Thomas R. Eddlem

Chairman, South Shore Libertarian Party

James Parent

Vice Chairman, South Shore Libertarian Party

Ryan Sullivan

Secretary, South Shore Libertarian Party

Brodi Elwood

Chair, Libertarian Party of Middlesex County

Jason Brand

Vice Chair, Libertarian Party of Middlesex County

Scott David Gray

Secretary, Libertarian Party of Middlesex County

Dan Garrity

Organizer, Pioneer Valley Libertarian Party (in formation)

APPENDIX B – STATEMENT OF SSLP ON STATE COMMITTEE ACTIONS OF JAN. 10

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## Statement of SSLP on State Committee Actions of Jan. 10

### Finding of Facts:

The state committee of the Libertarian Association of Massachusetts (LAMA) in its regular January meeting of Jan. 10, 2022 was held entirely in executive session, without even a vote to go into executive session, even though Francis & Francis, the parliamentary rules LAMA has adopted to govern itself, makes no provision at all for executive sessions; and

More importantly, the LAMA Constitution was further violated when seven members of the state committee did with corrupt intent vote to expel 47 members of LAMA whose sole alleged misdeed was signing a petition for a special state convention under the LAMA Constitution, because the seven members of the state committee perceived their own re-election at the special convention in danger, and neither the LAMA Constitution nor the by-laws authorize the state committee to either remove large numbers of members in order to preserve titles of officers nor to suppress a valid petition for a special state convention, and

Furthermore, the LAMA by-laws only authorize the state committee to remove "a person" -- not many at once -- and "for cause," and petitioning the state committee for a special state convention in line with the LAMA Constitution cannot possibly be considered "cause" for expulsion, and

Moreover, the minutes of the January 10 meeting record the Chair Ashley Shade acknowledging "not everyone who signed is part of the 'takeover,'" admitting, even in the fevered conspiracy-mongering minds of the seven state committee members, they were expelling members solely for petitioning under the LAMA Constitution; and

The LAMA Constitution was further violated in the expulsion of two of its state committee members, namely Janel Holmes and Charlie Larkin, without cause or due process, the only alleged "cause" being support of a special state convention under the LAMA Constitution, even though the LAMA Constitution explicitly requires cause and due process: "The State Committee may by two-thirds vote of its entire membership expel a person from the State Committee, **for cause**, after affording the accused reasonable access to due process."

All three officers of the South Shore Libertarian Party and the only elected Libertarian Party public official in the South Shore (Chairman of Dighton-Rehoboth Regional School Committee Aaron Morse), as well as many as 10 other local members, were allegedly expelled by the vote of the seven rogue state committee members.

### Resolutions:

The South Shore Libertarian Party therefore regards the actions of the state committee (which can only be labeled a "Death Spiral Caucus" of the Libertarian Party) on January 10 as null and void, and the alleged "expulsions" of members invalid; and



The South Shore Libertarian Party also calls for the LAMA special state convention set for February 12 via Zoom to go on unimpeded, and for all LAMA members and the Libertarian National Committee to recognize as validly elected leaders of LAMA whomever the special state convention nominates for a new state committee; and

The South Shore Libertarian Party adopts a formal censure of all seven rogue members of the state committee, as mass expulsions lowering membership down from an organization of 204 members among a population of six million is not a sign of a vibrant and growing Libertarian Party; and

The South Shore Libertarian Party further calls upon the Libertarian National Committee (LNC) to:

- (1) Censure the seven members of the LAMA State Committee, and
- (2) Direct the LAMA State Committee to advertise the February 12 special state convention being organized by the petitioners among the LAMA membership, and
- (3) Investigate the role of LNC staffer Tara DeSisto in the failed and illicit attempt to suppress the valid special state convention, as she was appointed to the state committee board and led the charge among the rogue cabal on social media against the special state convention, calling it an “act of aggression,” and
- (4) Further investigate if there is any link between Massachusetts and similar Death Spiral Caucus mass expulsions and/or closure of new enrollments into the party in Delaware, New Hampshire and Vermont.

The South Shore Libertarian Party also acknowledges the Middlesex, Worcester, and Pioneer Valley Libertarian Parties have adopted similar resolutions.

Approved unanimously (5-0) at regular meeting Saturday January 22, 2022

Thomas R. Eddlem, Chairman  
James Parent, Vice-Chairman  
Ryan Sullivan, Secretary

APPENDIX C – SUMMARY OF JANEL HOLMES

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Hello everyone. First, I would like to thank everyone for your time. My name is Janel Holmes, I am the duly elected Communications Director of the Libertarian Association of Massachusetts. I am from Spencer, Worcester County, Massachusetts and I first joined LAMA as a volunteer in the summer of 2020, when the Political Director reached out to me to see if I would be interested in setting up a local affiliate. Having worked towards that goal, the Libertarian Party of Worcester County just celebrated its one year anniversary in December of 2021, and currently we are the largest sub-affiliate which is continuing to grow.

I am here today in concert with multiple other sub-affiliates across the state of Massachusetts to ask that the LNC exercise its discretionary right to endorse in writing reinstatement of 47 wrongly ousted members of the Libertarian Association of Massachusetts by its State Committee.

As reason, therefore:

We dispute the validity of the vote to expel as well as the legality of the meeting in regards to standards of official meeting protocol. The meeting did not initially convene in open session and there was no roll call vote to enter executive session nor was there an announcement of the official reason for entering closed session. Furthermore, the Agenda was never posted prior to the meeting and was withheld from at least the 2 State Committee Members which were later expelled in said meeting.

The Constitution also provides reasonable access to due process for State Committee members facing expulsion:

Per Article IV Section 10

*“The State Committee may by two-thirds vote of its entire membership expel a person from the State Committee, for cause, after affording the accused reasonable access to due process. Expiration of membership in the Organization is cause, but payment of membership dues to renew membership, prior to the vote, constitutes an absolute defense.”*

This would mean that the expulsion of the 2 State Committee Members should have been held as separate motions and reasonable access to due process afforded, not simply by revocation of their membership as the Constitution is the governing document over the Bylaws. I think most would agree that a closed meeting in which the Agenda was hidden from the accused members, does not constitute due process.

As to the vote to expel, we call into question the validity of the Membership Director's eligibility to vote as he was no longer in Massachusetts.

As provided in the LAMA Bylaws:

*Article I. Membership*

*1. Eligibility for Membership*

*Members are all dues-paying persons in Massachusetts, and all non-dues paying Associate members.*

As well as citing the LAMA Constitution Article IV Section 8

*To be elected or serve as a member or officer of the State Committee, a person must be a Member of the Organization whose dues are current.*

We argue that although still contributing dues, that his role on the State Committee was ineligible once he left the State of Massachusetts.

The final vote by secret ballot read 6-1. But should correctly have read 6-1-2 (2 absent). There are 9 members on the State Committee, 2 of which were not present, and as provided in the Bylaws, the vote requires 2/3rds of the ENTIRE State Committee. Without the vote of the Membership director, who was present that evening, and I can assure you, I did not vote in favor of my own expulsion, the vote would read 5-1-2. Motion fails to meet the 2/3rds required.

As an aside from that fact, it has been brought to the members attention that Ms. Shade was in violation of Massachusetts General Laws Chapter 55 Section 5a:

*Section 5A. No candidate or individual holding elective public office shall establish, finance, maintain, control or serve as a principal officer of a political action committee; provided, however, that each of the following may authorize one such political committee to which this section shall not apply: a majority of the members of each political party who are members of the house of representatives, and a majority of the members of each political party who are members of the senate.*

Given this fact, we question the validity of Ms. Shade's vote, not only for this meeting, but for any motion in any meeting after she announced her candidacy in which her vote was the deciding factor. For the purpose of this argument the vote to expel could potentially have read 4-1-2. Motion again fails to pass.

Finally, I would like to cite the recently adopted Standards of Behavior, which provides for due process, that has yet to be added to the LAMA Bylaws public document:

*I. Standards of Behavior for LAMA Members*

*1. All LAMA members must strive to be civil to other LAMA members and to members of the general public, within all modes of LAMA communications, during LAMA endorsed events, and in any general setting associated with LAMA or individual LAMA members, including online spaces.*

*2. Threats of violence, and violence itself, will not be tolerated.*

*3. Harassment, in any form, will not be tolerated.*

*a. Harassment shall be defined as continued, unwanted actions that serve no reason other than to annoy, hurt, intimidate, or abuse a targeted individual.*

*b. Isolated minor incidents shall not be considered to rise to the level of harassment as defined in these standards of behavior.*

*4. Any behaviors which target, in an adverse manner, others based on age, ancestry, color, religion, disability, gender-identity, gender expression, national origin, race, sex, sexual orientation, or any other involuntary class of an individual or group of individuals shall be deemed to be in violation of these Standards of Behavior.*

*5. As per LAMA Bylaws Article IV Section 9 and Francis and Francis Democratic Rules of Order:*

*a. LAMA members must not use any form of personal criticism or ridicule to persuade a meeting.*

- b. *LAMA members may criticize an idea but never a fellow member.*
- c. *LAMA members must never interject or interfere with another member's right to an uninterrupted floor when speaking during a meeting, except as allowed under a point of order.*

## **II. Sanctions**

*A violation of any of these standards of behavior by a LAMA State Committee member shall be considered adequate "cause" for the purposes of an action under Article IV, Section 10 of the LAMA Constitution.*

*A violation of these Standards of Behavior by a non-state committee LAMA member may result in the suspension or termination of membership if the LAMA State Committee, by two-thirds vote of its entire membership, suspends or terminates the membership of a LAMA member after the member has received access to due process.*

- a. *Due process shall be defined as an executive session in which the member in question shall be provided ample opportunity to present their case to the State Committee, with the member receiving adequate notice no less than 7 days prior to such an executive session.*

The argument for passing these Standards of Behavior was to outline exactly what constitutes grounds for expulsion, explaining the "for cause" language in the LAMA Bylaws. Yet, conveniently this document has not been updated in the official Bylaws to date, when it was passed in December.

Not only are we dealing with a committee that is willing to expel members simply for petitioning them for their grievances, but one that has operated outside the bounds of the law, their own bylaws and their own constitution. Imagine if the state were to remove voting rights for issuing a petition against them. If we don't want the state doing something to us we certainly shouldn't be doing it to other libertarians. This action was unconscionable, unethical and unbecoming of libertarian leadership.

In addition to asking for the endorsement to reinstate the aggrieved members, we ask that the LNC pass a resolution recommending the next elected LNC take up the matter in their first meeting should this not be resolved by the April 23 convention in Massachusetts.

In Liberty,

Janel Holmes

APPENDIX D – STATEMENT OF ASHLEY SHADE

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LNC Members,

It is my understanding that the LNC would like to ascertain the facts of the expulsion measure taken on January 10<sup>th</sup>, 2022, by the Libertarian Association of Massachusetts State Committee. Below are the most pertinent facts.

### **Petition Ruling and Reasoning:**

On December 19<sup>th</sup> a petition was submitted to the LAMA State Committee requesting a special convention. The agenda requested included

1. Setting the number of State Committee members to Nine.
2. Holding elections for the State Committee

Our constitution does allow for a petition to be submitted by membership, and for those members to set an Agenda for a special convention. Nowhere in the constitution does it allow any Special or Regular State Convention to bypass the remainder of the constitution without amending the constitution.

The proposed agenda items above items are defined in the LAMA constitution and would require a constitutional amendment for the body to take up these measures.

### **Article II: State Convention states**

1. A Regular State Convention shall be held in every year.

### **Article IV: State Committee states:**

1. Each Regular State Convention shall elect, as provided in the bylaws, up to nine State Committee members.

Because a Regular State convention is defined and Special State Convention is not a Regular State Convention, and the constitution clearly defines the number of State Committee members and when they are to be elected, the agenda being proposed by the petitions was invalid. Without an Agenda that requested Constitutional Amendments, the Agenda items could not be taken and therefore I ruled that we would not host a special convention as there would be no valid items of business to address. The LAMA constitution also has very specific language for how Constitutional amendments must be proposed for changes, which also were not met.

### **Article V: Bylaws, Rules and Amendments**

1. Bylaws to implement and clarify the authority and duties of persons and bodies authorized by this Constitution may be adopted or amended by a majority vote at a State Convention, or by a two-thirds vote of the State Committee. When each State Committee meets for the first time to organize, any Bylaws previously in force shall remain in force unless a two-thirds vote of the State Committee shall specify otherwise, provided that any amendments to the Bylaws shall be consistent with this Constitution and with actions at State Conventions.

2. Each body authorized by this Constitution may adopt rules for its proceedings.
3. This Constitution may be amended by a two-thirds vote of all persons eligible to vote and registered as attending the State Convention at which the vote is being taken, whether or not voting, provided that there is a quorum, if and only if the following conditions are met:
  - a. The amendment has been approved beforehand by the State Committee, or has been endorsed beforehand by the signatures of at least ten percent of the Members whose dues are current, which amendment and endorsement shall be submitted in writing to the Chair of the State Committee, and
  - b. A copy of the proposed amendment has been sent by mail to each Member of the Organization whose dues are current, postmarked at least two weeks prior to the date of the State Convention in which the amendment is to be considered.

One member of the State Committee disagreed with the ruling; however, the other members of the State Committee members agreed with and accepted this ruling.

### Expulsion Ruling and Reasoning

After making this ruling, The LAMA State Committee made the decision to expel the petitioners. You'll hear from others about their reasoning behind the decision and these are mine.

- An outside organization with no affiliation with or to LAMA (Mises PAC/Caucus) had made clear their goal was to take control of our affiliate.
- The person who organized and submitted this petition to the State Committee is a State Organizer of the Mises PAC/Caucus.
- Of the petitioners who signed, only ten (10) had previously been dues paying members to LAMA at our previous State Convention in March 2021. Many of these 10 did not have dues paid current at the time of submission.
- Twenty-Nine (29) of the petitions were not members of the Libertarian Party (National) at the time of submitting their petition.
- Only Eight (8) of the petitioners were registered Libertarians to vote in the Commonwealth of Massachusetts.
- The Mises PAC/Caucus has publicly made clear their goal is to "takeover" state affiliates so they may control their delegates to the Libertarian National Convention in May, to elect Mises PAC/Caucus members to the LNC.
- The preamble of the LAMA Constitution clearly defines our Name and Purpose as follows:

#### Preamble, Name and Purpose

We, the Libertarians of Massachusetts, do hereby unite to form the Libertarian Association of Massachusetts, in order to give voice to and implement the fundamental principle of libertarianism: that no person, group of people, or government has the right to initiate force against any other person, group of people, or government. We shall do this by supporting candidates for public office, publicizing the principles and goals of libertarianism, and taking any

actions that the State Convention or the State Committee deem will further our aims. The Association, its Bylaws, and State Committee exist solely as a path for reaching the objectives of this preamble.

- The actions of taking over the LAMA organization to control the seating of delegates to the Libertarian National Convention is not within the purpose or mission of our organization.
- Due to repeated previous attempts to interfere with the business of the affiliate, and due to the information listed above, the State Committee exercised its right to expel the members who participated in the attempted takeover.
- The Meeting at which this vote took place is always listed and advertised as a State Committee Meeting. Our bylaws do not require it to be a public meeting, though in normal circumstances we encourage members to attend.
- I made the decision to close the meeting to non-State Committee members so business could be expedited and completed in a timely manner.
- The process for expelling members is defined in the LAMA Bylaws as follows

#### Article I. Membership

##### 3. Termination of Membership

All memberships expire on the last day of a calendar month.

The State Committee may for cause by 2/3 secret ballot vote of the entire State Committee expel a person from membership in the Libertarian Association of Massachusetts; an expelled person must receive a 2/3 secret ballot favorable vote from the State Committee to rejoin.

- This rule in our bylaws was in place before any of the people who were expelled became dues paying members to our organization. The members who were expelled knew that it was a possibility and still joined our organization. They are subject to the Constitution and Bylaws as organized by the LAMA organization.

There are other issues that people can and will claim as problems and I would like to address those as well.

#### What Is LAMA/LP Massachusetts?

- The Libertarian Association of Massachusetts is the official documented name of the organization. The organization operates as the Libertarian Party of Massachusetts.
  - This is defined in our bylaws as amended in 2009 as follows:

#### Article IV. State Committee

##### 6. (CONVENTION 2009) Use of Party Name

The name change from Libertarian Party to Libertarian Association was made out of an abundance of caution regarding the State law that defines a “political party.” The

Organization shall continue to publicly use the name “Libertarian Party of Massachusetts.”

- The below line in our bylaws defines how we operate when recognized by the Commonwealth as a political party

#### Article IX. Statutory Libertarian Party of Massachusetts

##### 1. Applicability

Article IX applies only when the Libertarian Party has recognized status as a “political party” according to the laws of the Commonwealth of Massachusetts.

##### 2. Initial Statutory Party

When political party status is first obtained, the Commonwealth of Massachusetts authorizes only the LAMA State Committee to form a political party organization. At that time, the State Committee of LAMA shall form a “political committee” called the Libertarian Party of Massachusetts (LPMA) having bylaws in accordance with state law, the LAMA Constitution and Bylaws, and the National Party Bylaws. The State Committee of LAMA shall be the initial State Committee of LPMA.

##### 3. Bylaws

LPMA shall submit its bylaws to the LAMA State Committee and be chartered as a sub-affiliate as specified in Article VIII.

##### 4. Loss of Party Status

Upon loss of recognized status as a “political party,” the charter of the Libertarian Party of Massachusetts shall be revoked automatically.

- **LAMA is always recognized by the FEC as a Political Party.**
- When the Libertarian Party achieves 3% in the last election, the party is upgraded to a recognized party by the Office of Political Campaign Finance (OPCF) and the organization then reports funds to OPCF. Currently OPCF sees this account as a political action committee (PAC) account. This account does not accumulate funds nor operate when the organization is not recognized by the Commonwealth. LAMA lost its recognition as an official party after the 2020 election when we failed to receive 3% of the vote.

#### Eligibility of former chair Ashley Shade

- In Massachusetts, elected officials may not serve on the board of a Political Action Committee (PAC). When the party is not recognized by the state, the PAC as defined by OPCF and the above bylaws no longer operates.
- There was a question about the eligibility of the chair Ashley Shade to serve after she was elected to office, As the bylaws determine that the Charter that operates the PAC shall be

revoked automatically upon loss of recognition of official party status in Massachusetts, Ashley served as chair of the federally recognized political party and not as chair of a PAC.

### Eligibility of Membership Director Andrew Moore

- The eligibility to serve on the State Committee is defined in the Constitution and further defined in the Bylaws.
- At the time of his election, Andrew Moore was a resident of Massachusetts whose dues were in good standing. He made aware to the convention body that he would be moving out of state during his term, and the body accepted and encouraged him to continue to serve. He was then re-elected as the membership director.

Constitution rules on State Committee:

#### **Article IV: State Committee**

1. Each Regular State Convention shall elect, as provided in the Bylaws, up to nine State Committee members.
2. Within 30 days of their election, the newly-elected State Committee shall meet and elect a Chair, a Treasurer, and such other officers as are specified in the Bylaws.
3. The State Committee shall elect officers to fill any vacancies. The State Committee may by majority vote appoint to itself additional members.
4. All members of the State Committee shall hold office until adjournment of the next State Convention at which their successors are chosen.
5. The State Committee may make rules for its proceedings, for the calling of State Conventions, and for the selection of Delegates and Alternates to the National Convention. Delegates to the Libertarian Party National Convention shall be chosen at the State Convention held immediately prior to that National Convention.

If elections for State Committee and Convention Delegates happen at the same State Convention, the State Committee is elected first. Persons who will be members of the State Committee at the time of the National Convention are entitled ex officio to be named as Delegates or Alternates, but must so request prior to the election of Delegates and Alternates. The State Convention or State Committee may promulgate Bylaws consistent with this Constitution to ensure a full delegation at the National Convention.

6. To be eligible to be elected as a Massachusetts Delegate to the National Convention, a person must, at the time of the National Convention, be:
  - a. A legal resident of Massachusetts, and
  - b. A Member in good standing of the Organization.

7. The State Committee shall have the authority to adopt or amend the Bylaws by a two-thirds vote, two weeks' notice and an opportunity to respond having been given.

**8. To be elected or serve as a member or officer of the State Committee, a person must be a Member of the Organization whose dues are current.**

9. Every member of the State Committee must make available their name, their office in the Organization if any, and a working way to contact them, in the Organization's newsletter and on the Organization's web site. This may be a physical mailing address, e-mail address, telephone number, or some combination of these.

10. The State Committee may by two-thirds vote of its entire membership expel a person from the State Committee, for cause, after affording the accused reasonable access to due process. Expiration of membership in the Organization is cause, but payment of membership dues to renew membership, prior to the vote, constitutes an absolute defense.

Membership in LAMA is defined in the constitution below:

#### **Article I: Membership**

1. Members are all dues-paying members in Massachusetts, and all other persons who may so qualify under uniform rules of non-dues paying membership for which the State Committee may provide in its Bylaws.

- The Bylaws for State Committee state the following:

#### **Article VII. State Committee Officers**

1. Eligibility

Pursuant to Article IV, section 2 of the Constitution, the Officers of the State Committee are: the Chair, the Treasurer, the Recording Secretary, the Membership Director, the Political Director, the Operations Director, the Fundraising Director, the Communications Director, the Technology Director, and the Archivist.

Eligibility to be elected or serve as an Officer of the State Committee is governed by Article IV, section 8 of the Constitution. Officers are elected by majority vote of the voting Members of the State Committee.

- As stated in the bylaws, Section 8 of the above constitution defines eligibility as being a Member of the Organization whose dues are current.
- The requirement to be a Massachusetts resident is defined for eligibility to serve as a Delegate to the National Convention, and NOT to be a member of the state committee.
- It has been the understanding and ruling of the chair and the LAMA State Committee that Andrew Moore was upfront with the membership body who elected him to serve, that the constitution does not require a person to remain a resident of Massachusetts after election to continue to serve in their role and that all of Andrew Moore's votes are valid and binding.

## Eligibility of appointed State Committee Members

- The LAMA Constitution allows for the State Committee to fill vacancies on the board. In Article IV: State Committee Section 3 as outlined above.

## Conclusions and personal thoughts

The LAMA State Committee acted within their purview and authority to deny the petition of the members who attempted to take over our affiliate and expel them from the organization. As laid out in the reasoning above, each action and complaint are supported by our Constitution and Bylaws and was allowable.

It's extremely unfortunate that we ended up in this type of situation. My personal goal has always been to achieve liberty for all human beings, and to fight against government interference in our daily lives. From the beginning of my membership to this party, I have been actively working to help and support campaigns, policies and initiatives that pursue and align with our party platform and principles. I have served in roles on more than 10 political campaigns in the past 3 years, as well as serving as Chair of Outright Libertarians, Chair of LAMA and becoming an elected libertarian here in Massachusetts. I have been met with a great many people who disagree with my approach, and with my beliefs. I've also been met with a far greater number of people who support my beliefs and agree with my approach. The beauty of the Libertarian Party is that we can disagree on things and still work together to remove power from government and the institutions they empower to control our lives. I am always happy to speak to people who disagree with an idea or a policy, so long as the conversation remains on the policy or procedure or idea itself.

Unfortunately, within our movement, we have a large and growing contingent of people from the entire spectrum of libertarian ideology who attack people rather than ideas, policies, and procedures. Personal attacks of this nature result in the worst behaviors and our national party does not have mechanisms in place to properly deal with these situations. A functional political party must operate to elect people to office first and foremost, and is not, and should not be a membership service organization. While members should help drive the platform and principles, Leaders must be empowered and put in place to handle the operations of the organization and make day to day decisions for a political party to be effective.

Of the members we expelled, twenty-nine were not members to National and are therefore not under your purview in anyway, you have no power or authority to tell us we must accept them when they aren't even members of your organization. As a matter of fact, this means the majority of the expelled former LAMA Members have no rights from the national Libertarian Party. Those defending their actions are essentially saying we don't care of people who aren't even members to our organization invade and take over your organization and to anyone who has common sense, that is an absurd notion. None of these people are disenfranchised from participating in the national party or being members of the national party. They have only been removed from our affiliate and are no longer eligible to be delegates for the national convention.

Some people think this was about keeping power and control, and I can assure you that the only true power LAMA has in Massachusetts is to select delegates to the national convention and to use the designation Libertarian Party. Every other operational activity that LAMA works towards, could be done by another organization that isn't LAMA. In Massachusetts, any individual can run for office on a party line and that does not require approval from the party in advance. We have no power to stop a person from running as a Libertarian, we only have the ability to choose whether or not we endorse and support those candidates.

This "Takeover" rhetoric and operation being pursued by the Mises Caucus is the direct cause of the internal strife and conflict currently poisoning the Libertarian Party. They claim everyone who fights or works against their interests is corrupt, and they support and fuel personal attacks, vendettas, threats, and harassment of members who don't fall in line with their goals. We've seen this behavior consistently over the past 3 years, and it has only continued to expand as they look to chase people out of the party so they can take control. These are not the objectives of people who wish to elect libertarians or operate as a functional political party but are the actions of an organized ideologically different group of people who wish not to work together but defeat anyone who doesn't comply with their will. These are the actions of a group who isn't afraid to use intimidation and fraud to achieve their goals. This is not the behavior of a group who want to work with us to achieve liberty.

I don't have any inclination to participate in the political self-fornication theatre that this meeting is, and I urge a member of the committee to adjourn immediately. It is a waste of time, energy, and effort to hold a public forum for complaints, where every piece of information that you will learn today could be communicated in a letter such as this and sent via electronic communications. I have zero confidence that any other information will clearly state the facts and details of the situation, and as stated in the LNC Bylaws, The LNC has no ability to act against the affiliate at this time.

I wish you all well in your political self-fornication pursuits. I shall be spending my time in a more productive way, serving my constituents and working on projects and policies and campaigns that truly fight for the liberty of all people.

Sincerely,

Councilor Ashley M. Shade