

SPECIAL MEETING MINUTES
LIBERTARIAN NATIONAL COMMITTEE
JUNE 5, 2022
VIA ZOOM



CURRENT STATUS:

FINAL

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 Secretary produces an electronic One Note notebook for each meeting that contains all reports submitted as well as supplementary information. The notebook for this meeting can be found at <https://tinyurl.com/June2022LNC>

The LPedia article for this meeting can be found at:
[https://lpedia.org/wiki/LNC Meeting 5 June 2022](https://lpedia.org/wiki/LNC_Meeting_5_June_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 AND OPPORTUNITY FOR PUBLIC COMMENT

Chair Angela McArdle called the meeting to order at 5:06 p.m. (all times Eastern).

HOUSEKEEPING

ATTENDANCE

The following were in attendance:

Officers: Angela McArdle (Chair), Joshua Smith (Vice-Chair)¹, Caryn Ann Harlos (Secretary), Todd Hagopian (Treasurer)

At-Large Representatives: Dustin Blankenship, Rich Bowen, Bryan Elliott, Steven Nekhaila, Mike Rufo

Regional Representatives: Miguel Duque (Region 1), Dave Benner (Region 2), Dustin Nanna (Region 3), Carrie Eiler (Region 4), Andrew Watkins (Region 5), Joseph Ecklund (Region 6), Linnea Gabbard (Region 7), Pat Ford (Region 8)

Regional Alternates: Kathy Yeniscavich (Region 1), Martin Cowen (Region 2), Connor Nepomuceno (Region 3), Otto Dassing (Region 5), Mark Tuniewicz (Region 6), Donavan Pantke (Region 7), Robley Hall (Region 8)

Absent: Joshua Clark (Region 4 Alternate)

Staff: Tyler Harris (Executive Director)

Additional Non-Member Attendees: Richard Brown (National Libertarian Party Parliamentarian), Jonathan M. Jacobs (“Cordio Group” Parliamentarian)

The gallery contained many attendees comprising at least some of the persons noted as registered for the meeting listed in **Appendix A**. The following individuals gave public comment:

- Andrew Cordio (MA)
- Justin Costa (MA)
- Thomas Eddlem (MA)
- Michael Higgins (FL)
- Josh Hlavka (FL)
- Dan Garrity (MA)

¹ Mr. Smith arrived late to the meeting as he was still traveling via car from the 2022 Libertarian Party National Convention.

- Paul Lynch (MA)
- Nolan Pelletier (NH)
- George Phillies (MA)
- Ann Reed (MA)
- Hector Roos (FL)
- Brian Zakrajsek (MA)

The following LNC members participated in public comment:

- Rich Bowen
- Caryn Ann Harlos
- Donovan Pantke

PURPOSE OF SPECIAL MEETING

Consideration of the Bowen resolution previously submitted last LNC term formally recognizing the “Cordio Group.”

NEW BUSINESS WITH PREVIOUS NOTICE

Opportunity was given for advocates/representatives of both the “Cordio Group” and the “Graham Group” to advocate for their respective positions. Documentation supporting debate points made is contained within **Appendices B-E**. National Libertarian Party Parliamentarian Richard Brown was also asked to give his opinion on whether or not the proposed resolution was in order, and he opined that it was.

Resolution Recognizing the “Cordio Group”

Mr. Bowen moved the following resolution: [20220605-01]

Whereas, on December 19, 2021, LAMA membership submitted a petition for a special convention to conduct a recall election of the LAMA State Committee;

Whereas, the petition contained greater than the 10% of valid member signatures required for a special convention in accordance with Article 2 Section 5 of the LAMA Constitution;

“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.”

Whereas, the petition was submitted with an agenda, as required by the following Constitutional provision;



“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.”

Whereas, the action of January 10 to remove members violated Article II Section 2 of the Constitution,

“Persons, who are Members of this Organization whose dues are current, and who joined the Organization at least 30 days prior to the date of the State Convention, are eligible to vote and participate in the business meeting at the State Convention. Persons who were dues-paying Members of the Organization, or Sustaining Members of the National Libertarian Party, within the past three years, including a period at least 90 days before the day of the State Convention, but whose Organization dues are not current, may join or rejoin this Organization at the State Convention by paying their yearly dues. They may then vote and participate in the business meeting at the State Convention.”

Whereas, on January 10, 2022, the response from the State Committee to the properly constituted petition was to expel en masse all petition signatories, in violation of basic member rights, due process, and Article 1 Section 3 of the LAMA bylaws, which allow for expulsion of “a person from membership” (not mass expulsions).

“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.”

Whereas, the vote to expel LAMA members was taken during a supposed State Committee meeting that had no agenda, thus denying targeted members notice of any proposed action against them and an opportunity to defend themselves, and the meeting was called to order in closed session, against longstanding custom (their parliamentary authority does not address the topic at all), and contrary to the public notice given;

Whereas, among the wrongfully expelled were two State Committee members who were denied any access to due process, in violation of Article 4 Section 10 of the LAMA Constitution;

“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.”

Whereas, a member of that State Committee who has not been a resident of Massachusetts for close to a year, cast their vote for the expulsion, in violation of Article 4 Section 8 and Article 1 Section 1 of the LAMA Constitution;

- ***“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.”***
- ***“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.”***

Whereas, two duly elected members of the 2021 LAMA State Committee did organize and conduct the special convention as is required by Article 2 Section 5 of the LAMA Constitution and provided notice to the extent possible given deliberate obstructive actions and omissions by former State Committee members;

Whereas, a new State Committee was elected at that special convention on February 26, 2022, in accordance with the LAMA Bylaws Article 2 and the LAMA Constitution Article 2 and as specified on the submitted agenda, with the positions now filled as follows;

- ***Andrew Cordio, Chair***
- ***Charlie Larkin, Treasurer & Archivist***
- ***Scott Gray, Recording Secretary***
- ***Jason Brand, Membership Director***
- ***Janel Holmes, Political Director***
- ***David Burnham, Operations Director***
- ***Thomas Eddlem, Communications Director***
- ***Brodi Elwood, Technology Director***
- ***Daniel Garrity, Fundraising Director***

Whereas, the State Committee elected at the special convention set and noticed their annual convention for April 24, 2022, at which time the State Committee for the 2022-2023 term were selected, and national convention delegates, were also elected;

Whereas, the Credentials Committee Report included the Massachusetts delegates elected at the April 24, 2022, Regular Convention, which report was accepted by the 2022 Libertarian Party National Convention;

Whereas, a new Region 8 Agreement was finalized and forwarded to the Region 8 Representatives, in which the other states in the region unanimously signed the agreement to include the Cordio board elected at their convention on April 24, 2022;

BE IT THEREFORE RESOLVED, that the Libertarian National Committee recognizes the results of the election at the special convention, the State Committee elected therein, the results of the April 24, 2022 LAMA Regular Convention, and the State Committee elected therein.

After debate, Ms. Harlos moved to end debate for which a roll call vote was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Benner	X		
Blankenship	X		
Bowen	X		
Duque	X		
Tuniewicz (alt)		X	
Eiler	X		
Elliott	X		
Ford	X		
Gabbard	X		
Hagopian	X		
Harlos	X		
Nanna	X		
Nekhaila	X		
Rufo	X		
Smith	X		
Watkins	X		
McArdle			X
TOTALS	15	1	1

This motion PASSED with a roll call vote of 15-1-1.

A roll call vote was conducted on the Bowen resolution with the following results:

Member / Alternate	Yes	No	Abstain
Benner	X		
Blankenship	X		
Bowen	X		
Duque	X		
Ecklund ²	X		
Eiler	X		
Elliott	X		
Ford	X		
Gabbard	X		
Hagopian	X		
Harlos			X
Nanna			X
Nekhaila	X		

² Mr. Tuniewicz originally voted in the affirmative in place of Mr. Ecklund who was experiencing technical difficulties. Mr. Ecklund was able to reconnect within five (5) minutes, and as per Policy Manual 1.02(7)(m), was permitted to cast his vote.

Member / Alternate	Yes	No	Abstain
Rufo	X		
Smith	X		
Watkins	X		
McArdle			X
TOTALS	14	0	3

This motion PASSED with a roll call vote of 14-0-3. [20220605-01]

ADJOURNMENT

The LNC adjourned **WITHOUT OBJECTION** at 6:34 p.m.

TABLE OF NUMBERED MOTIONS/BALLOTS

*Note that the master log of motions in 2022 can be found here: <https://tinyurl.com/Incvotes2022>

ID#	Motion/Ballot	Result
20220605-01	Resolution Recognizing the "Cordio Group"	PASSED

TABLE OF APPENDICES

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C	Documentation Submitted by the "Graham Group"	Don Graham
D	Region 8 Agreements	Pat Ford
E	Parliamentary Opinion	Jonathan M. Jacobs

Respectfully submitted,



LNC Secretary ~ Secretary@LP.org ~ 561.523.2250



APPENDIX A – PUBLIC ATTENDANCE ROSTER AND COMMENTS

GALLERY ATTENDANCE SHEET³

<u>NAME</u>
Sylvia Arrowwood
Scott Baker
Victoria Berger
Trish Berry
Philip Bertin
Brandi Bishop
Bob Blair-Smith II
Karlyn Borysenko
Travis Bost
Jacob Bradley
Jason Brand
Aimee Brigham
Michael Brigham
Joe Burnes
Shauna Cahill-De Costa
Fredy Calvache
Justin Carman
Nick Ciesielski
Leigh Ann Cogliano
Andrea Copley
Andrew Cordio
Justin Costa
Jeremy Cote
Jeremy Couch
William Cox
Michael Dalglish
Alex Davis
Craig De Costa
Patrick Douglas
Thomas Eddlem
Chris Elam
Brodi Elwood
Luke Ensor
Lisa Gansky
Dan Garrity
Patrick Garrity
Amanda Gibbs
Theresa Gosart

³ This is the list of registrants. It is unknown if all attended, but one could not attend without registering.

**APPENDIX A
PUBLIC ATTENDANCE ROSTER AND COMMENTS**

NAME
Alison Graham
Ryan Graham
Scott Gray
Dylan Griffith
Luke Griggs
Chris Gunnell
Tim Hagan
Jared Hall
Theodore Hamby
Matt Hartley
Bill Healy
Ryan Hebert
Colleen Heeney
Michael Heise
Greg Hertzsch
Michael Higgins
Josh Hlavka
Susan Hogarth
Janel Holmes
Ryan Jenkins
James Jenneman
Matt Johnson
Stephan Kinsella
Zach Lachowsky
Rob Latham
Jeinay LeBlanc
Amy LePore
Robert Lorrh
Paul Lynch
Maine Libertarians
Kareem M. Maize
Sean Malloy
Olga Maria Mardach-Duclerc
William B. McCann, Jr.
Jesse McVay
Alex Merced
Welsey Miller
Calvin Mingione
Adam Minsky
Patrick Mitchell
Carol Moore
David Nelson
Jacob Nemchenok
Vivian Nichols

**APPENDIX A
PUBLIC ATTENDANCE ROSTER AND COMMENTS**

<u>NAME</u>
Cherise Norton
Jay Norton
Rachel Nyx
James Parent
Davie Parrish
Jess Pelletier
Nolan Pelletier
George Phillies
Gregory Race
Andrew Raines
Ann Reed
Josh Richard
Kenneth Roberts
Mimi Robson
Mark Rodriguez
Hector Roos
Michael Schisel
Mike Seebeck
Tim Shotwell
Marrion Skinner
Preston Smith
Jake Spann
Tricia Sprankle
Chris Stephens
Michael Stengle
Joseph M. Stivaletta
William Talty
Zach Tatum
Christopher Thrasher
Tjonak
Dane Tober
Zach Varnell
Beth Vest
Cynthia Welch
Gabrielle Weatherbee
Kris Wilson
Daniel Woike

APPENDIX B – DOCUMENTATION PROVIDED BY THE "CORDIO GROUP"

Attached is an updated revision of the timeline included in the original Bowen motion. Of special note are the occurrence of conventions by both the LAMA chaired by Graham and the one chaired by Cordio. Additionally, it includes two JC appeals and the JC's opinion on the first appeal.

I suggest that the entire LNC review at least the opening statement and the timeline. Of the primary documentation, I suggest reading, in order of importance,

1. Alicia Mattson's opinion in the JC appeal concerning the LNC's sustainment of the chair's ruling on Rich Bowen's motion in March.
2. Caryn Ann Harlos', RP, letter to the Shade board in January.
3. The second MA appeal, submitted to the JC in May.

Brodi Elwood

Tech Director, LAMA
Chair, LP Middlesex
Lifetime member, LP

Executive Summary of the Ongoing Situation in the Massachusetts
Affiliate

May 31, 2022
Rev 1.3

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Summary introduction

The curious thing about the Massachusetts controversy is that no facts are disputed between the two so-called "factions," other than the question of whether one or two of the 47 petitioners had their dues paid up-to-date.

The key facts in the Massachusetts controversy are that:

- The seven former members of the state committee of the Libertarian Association of Massachusetts (hereafter LAMA) were never empowered by the membership, nor by either the LAMA constitution or by-laws, to engage in a mass expulsion for any reason, let alone for members exercising their rights outlined in the LAMA constitution to petition for a special state convention. They had in fact voted against giving themselves that very power just one month earlier.
- The state committee was never empowered by the membership to disregard the petition entirely for a special state convention, and the constitution explicitly compels them to organize a petitioned-for state convention.
- These rogue seven state committee members were not empowered to rule a petition for a special convention "out of order," as the LAMA constitution makes the power of the membership to petition for a special state convention agenda plenary, and only allows the State Committee to append to the member's agenda.
- The special state convention completed on February 26 was organized by two members of the state committee, as required by the LAMA constitution, and was open to all LAMA members. And the state convention on April 24 was the only one open to all LAMA members.

Therefore, the state committee elected at the April 24 state convention (the Cordio board) is now the only state committee deriving its authority from a vote of the whole membership in accordance with the constitution and by-laws of LAMA.

The question before the LNC is whether the party belongs to the membership and the rules of the constitution and by-laws, or to whatever faction holds a majority vote on the former state committee who believe they can on a whim reduce the size of the party to a handful of loyal followers through mass expulsions.

The seven former members of the state committee not only shrunk the party in Massachusetts, they treated LAMA as less a political party than as a private yacht club where the rules don't apply to themselves. The seven former state committee members employed risible "takeover" language in a desperate and vain attempt to hold on to their offices a few more weeks, lazily settling into a habit of deploying vague and detestable slurs against the character of a membership they've never bothered to meet and know nothing about. The former state committee members who formed their new organization on February 26 stole all of the LAMA organizational assets in the process of forming their own *de novo* group.

The alleged successor board to the seven state committee members whose offices expired on February 26 – elected at a rump April 23 convention – includes all of board members who attempted the purge and ran for election. This successor board to the *de novo* group has as a group actively sought to vindicate the purge – voting two-to-one in their April 23 convention not to invite any of the 47 "purged" members to apply to their organization. Not one of the new board members has publicly claimed (as of this update, May 7) that the

purge was invalid. Moreover, multiple board members have bizarrely asserted publicly on social media not only that the purge was fully valid, but also that there was and remains no upper numerical limit in the by-laws on mass purges from the party.

Thomas R. Eddlem,
Communications Director, Libertarian Association of Massachusetts.

I.1 Chronological statement of facts

November 8

State committee meeting via Zoom (see Appendix A.1.1). State committee member Jeremy Thompson proposes a "Standards of Behavior" addition to the by-laws to be imposed upon the membership (see Appendix A.1.1.1). Without the required two week notice, a by-laws change is adopted to require the affiliates to submit their meeting minutes within a week of their meeting and disaffiliate if no minutes are submitted in a three-month period. LNC Development Officer Tara DeSisto is elected to the state committee by a 6-0 vote (Charlie Larkin, Janel Holmes abstaining) to fill a vacancy.

December 12

Officers of the South Shore Libertarian Party adopt a resolution opposing the "Standards of Behavior" (labeling it "Code of Conduct"). See Appendix A.5.1.

December 13

State committee meeting via Zoom (see Appendix A.1.2). Thompson's draft "Standards of Behavior" document is substituted by a new code of conduct written by Christopher Thrasher. Meeting minutes record eight members speaking against adoption of the "Alternative Standards of Behavior," including local affiliate leader Dan Garrity who says he will start a petition drive for a special state convention if the document is adopted into the by-laws. No members (other than those on the state committee) spoke in favor of the "Standards of Behavior" resolution. Adopted 6-2 (Ashley Shade abstaining, Charlie Larkin and Janel Holmes opposed). Proposal on affiliates also passes 7-1 (Janel Holmes opposing, Ashley Shade abstaining).

December 19

Petition of 47 signatories for a special state convention (under Article II, section 5 of the LAMA Constitution, see Appendix A.19.1.1) is delivered to the state committee (see Appendix A.2). Two members of the state committee were among the petitioners, Charlie Larkin and Janel Holmes. The LAMA constitution requires a special state committee petition to be signed by 10% or more of the dues-paying members. The state committee membership director Andrew Moore verbally announced LAMA had 204 dues-paying members at the December 13 state committee meeting and the November minutes record 190 dues-paying members.

December 22

State committee member Tara DeSisto labels the special convention petition an "act of aggression" in Massachusetts Libertarians Facebook group, which was the first indication petitioners had that the state committee majority did not plan to organize a special convention. See Appendix A.3.

January 10

State committee meeting is held in executive session, just 30 minutes after an invitation email was sent to membership to join the Zoom. The minutes do not mention a vote to enter into executive session. State committee votes 6-1 (Janel Holmes opposed, Tara DeSisto and Charlie Larkin abstaining) to expel all 47 petitioners from membership and refund their dues. According to the official minutes, the state committee does not employ or refer to the recently adopted "Standards of Behavior" (which requires a hearing and notice for the member proposed to be expelled), nor to any other power granted by the membership to the state committee in the LAMA constitution or by-laws. Official minutes record the petition was "Signed by 46 people, 1 was not a member, 2 joined after signing," but petitioners assert they delivered the signatures of 47 dues-paying members to the state committee. The discrepancy

could be explained if one of the 47 signatories was not a dues-paying member. The state committee members do not have a separate vote on removing Charlie Larkin and Janel Holmes from the state committee (presumably because state committee members must be dues-paying members according to the LAMA Constitution - Art. IV, section 6b). Ashley Shade announces resignation as Chair of LAMA in compliance with Massachusetts state law banning candidates or elected officials being the head of political parties. See Appendix A.1.3.

January 11

Worcester County Libertarian Party passes two separate resolutions declaring state committee meeting invalid and resolution of censure for seven state committee members. Appeal to LNC by Janel Holmes, Charlie Larkin and affiliate leaders written and sent to LNC. See Appendix A.4, A.6.1, and A.6.2.

January 15

Middlesex Libertarian Party unanimously adopts resolution of censure for former State Committee Chair Ashley Shade and declares expulsions at Jan. 10 meeting invalid (see Appendix A.7.1). Additionally, the Middlesex LP votes to send representatives in the ongoing planning for the special convention (see Appendix A.7.2). Pioneer Valley affiliate (still in process of formation) votes unanimously “We do not recognize the validity of the expulsion of the petitioners.” (the latter not included in appendices)

Week of January 14 through 18

State Committee members Charlie Larkin and Janel Holmes form an organizational committee with affiliates to hold Special State Convention. Worcester affiliate names Larkin, Holmes and Paul Lynch as their representatives on the committee. Middlesex names Jason Brand, Kenneth Luu and Brian Zakrajsek. South Shore names Thomas Eddlem. Pioneer Valley names Dan Garrity.

January 22

South Shore Libertarian Party unanimously adopts a “Finding of Facts” statement and resolutions declaring the state committee meeting and expulsions invalid at its regular monthly meeting. See Appendix A.5.2.

January 23

Janel Holmes, Brodi Elwood, and Cris Crawford speak before LNC hearing on the Massachusetts controversy. See Appendix A.8 for Holmes’ statements. Crawford’s remarks not in appendices.

January 27

Caryn Ann Harlos, RP submits a document to the State Committee outlining the parliamentary case, and requests that they reinstate all signatories immediately. See Appendix A.8.

February 3

Worcester County Libertarian Party passes resolution to send negotiators to LAMA state committee, naming Ann Reed and Janel Holmes as negotiators, and giving them a timeline of one week to find an acceptable resolution (which would include reinstatement of all members). See Appendix A.6.3. The three South Shore officers pass resolution to nominate Worcester negotiators as their “proxy negotiators.”

February 7

Monthly LAMA state committee meeting (see Appendix A.1.4). Worcester negotiators meet with the LAMA state committee, but do not come to an agreement.

February 8

Worcester formally withdraws its negotiators in a Worcester County Libertarian Party meeting, saying they were “insulted” by LAMA state committee members.

February 12

Special State Convention begins via Zoom, with 38 members in attendance (several identified as “witnesses” and not as members). Convention resolves to nominate members at in-person continuation of the convention on Feb. 26 (see Appendix A.10.1).

February 26

Special state convention resumed at Electric Haze in Worcester. Convention elects new state committee, consisting of Jason Brand, David Burnham, Andrew Cordio, Thomas R. Eddlem, Brodi Elwood, Dan Garrity, Scott David Gray, Janel Holmes, Charlie Larkin. See Appendix A.10.2.

March 2

New state committee meeting. Pioneer Valley affiliate formally recognized.

Officers elected

Andrew Cordio, Chair

Charlie Larkin, Treasurer & Archivist

Scott Gray, Recording Secretary

Jason Brand, Membership Director

Janel Holmes, Political Director

David Burnham, Operations Director

Thomas Eddlem, Communications Director

Brodi Elwood, Technology Director

Daniel Garrity, Fundraising Director

See Appendix A.11.1.

March 3

Worcester County Libertarian Party passes resolution recognizing the Feb. 26 special convention and the state committee elected therein (see Appendix A.6.4). WCLP also calls for other state affiliates and the LNC to recognize the proceedings of the special convention.

March 7

Former state committee member Derek Newhall post on LAMA blog "How we got here" (see Appendix A.12.1).

March 12

Communications director for new state committee Thomas R. Eddlem responds to Newhall's allegations on his personal blog (see Appendix A.13).

March 19

The Libertarian Party of Middlesex passes resolution to recognize the special convention as a valid convention of LAMA and to recognize the Apr. 24 convention as the state convention (see Appendix A.7.3).

March 22

Under the official account on the hijacked LAMA blog, the former State Committee makes a defamatory post under the auspices of announcing the gubernatorial hopeful. The post, reproduced in Appendix A.12.2, speaks of "subversion" by certain undesirable members and advertises a bussing campaign in an attempt to boost convention attendance.

March 23

Rich Bowen, in his capacity as Region 8 Representative, submits a motion to the LNC list regarding recognizing the rightful State Committee of LAMA (Appendix A.14). The motion almost immediately receives co-sponsorship from Susan Hogarth, Joshua Smith, Ken Moellman, Steven Nekhaila, and Erik Raudsep. John Phillips and Chris Luchini call for a ruling of the chair.

March 24

Over a day after the Bowen resolution is submitted, Chair Bilyeu rules the Bowen resolution out of order, citing Article 5.5 of the National Bylaws. Her ruling is challenged, but the LNC upholds her ruling.

April 3

Member appeal filed with the Judicial Committee (see Appendix A.16.1) by Andrew Cordio, seeking to overturn the sustaining of the chair's ruling. This appeal collected nearly 250 national member signatures in just over a day, possibly a record for a member appeal.

April 15

Appeal hearing delayed from April 16th to April 28th by the JC, at the request of Tara DeSisto for additional time to "reconcile."

April 20

Interim State Committee approves Chair Cordio to enter into the formation of the region including the New England states, New York, and New Jersey (see Appendix A.11.2).

April 23

Regular annual state convention held by the former state committee faction elected in March 2021. The business meeting, in which members were charged to attend, had fewer voting members in attendance than voting members excluded by the Jan. 10 mass expulsion. Moreover, virtual attendance was permitted by a last-minute decision of the former State Committee. Dossiers including social media posts are distributed to defame expelled members. The following motion to reinstate the allegedly expelled members fails with a 8-15-3 vote,

Rescind the decision of the State Committee to expel the members in January, effective immediately, and invite them to rejoin?

Convention attendance, notably, is less than the previous year. A new State Committee is elected, with Don Graham selected as chair. Three from the former State Committee are reelected.

April 24

Regular state convention organized by the state committee elected in February 2022. The business meeting is held without cost to members, and with *all* members having voting rights. Approximately 37 members participate in voting. A new State Committee is elected. Additionally, seventeen delegates are elected to represent the affiliate at the 2022 National Convention. The new State Committee convenes briefly after convention business to select officer positions due to ongoing region formation negotiations. See Appendix A.15 for minutes.

April 25

Region consisting of MA, NH, CT, VT, ME, RI, NY, and NJ is formed, with Andrew Cordio signing as chair for the Massachusetts affiliate. See Appendix A.11.2 or A.17 for the region agreement. Several states in the region reiterate that they will not form a region with the "purge party."

May 5

The Credentials Committee, finding there to be a legitimate dispute in Massachusetts, recognizes the delegation chaired by Andrew Cordio. See Appendix A.18.

May 6

The Judicial Committee rules, by a tie vote, not to veto the LNC's decision to uphold the chair's ruling that Rich Bowen's March 23 motion was out of order. The JC issues opinions on the appeal, which can be found in Appendix A.16.2. Of note, Alicia Mattson, in her opinion in favor of the affirmative, states

The LAMA constitution expressly grants the LAMA members the right to petition for a special convention, and there is no rational argument that when the LAMA bylaws allow a "for cause" expulsion that the cause could possibly be for exercising their expressly stated LAMA constitutional rights. Andrew Cordio and the other petition signers were not expelled "for cause" in accordance with LAMA governing documents, thus there is no reason for the LNC not to recognize him as the rightful LAMA chair.

May 9

A second JC appeal is filed, directly requesting that the JC recognize the State Committee chaired by

Andrew Cordio, and to void the constructive disaffiliation of the LAMA which had its convention on April 24. The second appeal can be found in Appendix A.16.3.

May 17

The JC concludes that it cannot hear the second appeal, citing LP Bylaws, Article 5, Section 6.

May 27

The Massachusetts delegation chaired by Andrew Cordio is included in the Credentials report at the 2022 Libertarian National Convention in Reno, Nevada. The Massachusetts delegation is challenged, but the challenge fails. The Convention accepts the Credentials report and declines to hear the minority report, seating and credentialing the Massachusetts delegation chaired by Cordio.

Appendices

Supporting Documents

A.1 State Committee meeting minutes

A.1.1 Facsimile of November LAMA State Committee meeting minutes

Minutes of the State Committee of the Libertarian Association of Massachusetts

November 8, 2021

Online via Zoom Cloud Meetings.

Present: Derek Newhall, Ashley Shade, Andrew Moore, Michael Burns, Janel Holmes, Cris Crawford, Jeremy Thompson, Charlie Larkin, Ann Reed, Brian Zakrajsek, Brodi Elwood, Kenneth Luu, Connor O'Brien, Erik Yankowsky, John Pazniokas, Josh Richard, Scott Gray, Michael Dagleish, Kris Wilson, Aaron Morse, Patrick Douglas, Ryan Sullivan, Tom Eddlem, Nicole Richard, Tara DeSisto, Chris Elam.

Start at 8:47 PM.

Janel mentions that the Bylaws change that was voted on last month is out of order per the Constitution

Constitution Article 4, Section 7

There is a question on whether the motion needs to be reintroduced or not.

Cris asks for a ruling from the chair. Ashley rules that since it was publicly introduced last meeting it is in-order to be voted on this meeting.

Any discussion and voting will be pushed to the end of tonight's agenda.

Minutes from last month accepted after striking the Bylaws change vote.

Elections update

150 Libertarians elected to office this season

120 in PA alone

Ashley won her election in North Adams

Treasurer's report by Cris Crawford

https://docs.google.com/document/d/1tYEtai5-CsHez_35ctExf6M_-gNbTNoSXNqYNLO_T7o/edit

Increase of 540.00 from last month

Membership report by Andrew Moore

190 members

New proposal for membership tiers:

Basic \$30

Premium \$60

Car magnet

Bronze \$150

+T-shirt

Silver \$240

+Coffee mug
Gold \$540
+Convention meal pass
Lifetime \$1,500
Pin, plaque, full convention ticket, monthly call with chair
Student \$15
We voted on Basic and Lifetime tiers previously
Should people who pay monthly get their gifts up front or at end of year?
Ashley says at end
Cris brought up issues with paying for merch vs. when we get paid for it
Andrew says it shouldn't apply since we'll buy as memberships get paid versus
being a store
Charlie suggested we ask local vendors to see if we can gain some goodwill that way
Has some suggestions for vendors
Ann Reed suggests we give out membership cards
Andrew thinks that's a great idea and will implement it for all tiers
Tara DeSisto suggests this all be moved to a subcommittee and volunteered to help with
it based off her experience with National
Charlie moved to approve Andrew's current plan
Derek seconded
Tiers will be voted on, not the gift specifics
Voting by voice vote: no nays

Convention planning
Anyone interested needs to contact us over Slack or email to be added to it
Charlie and Cris are the heads of the committee
Brodi Elwood wants to volunteer
Jason Brand and Brian Zakrajsek also wants to volunteer

Other notices:
LNC meeting December 4th and 5th in Boston
9AM to 5 PM
Open to the public
Includes budget meeting for 2022
Also organizing another event Saturday night
Fundraiser at alibi lounge (downstairs) at the Liberty Hotel
Breakfast options also under discussion
State committee's choice on whether to do anything for a breakfast
Cris says just going to do Dunkin because the hotel's breakfast options are
expensive
Friday night event at Pub 2Twenty2
Cris moves to authorize her to spend \$500+ for this event
Ashley amends to spend \$1,000

Already reserved lounge area
Voting by voice vote: no nays
Now that funding is approved, will officially announce events soon

New business:

Code of Conduct proposed by Jeremy Thompson:

<https://drive.google.com/drive/folders/11a6U3bEM1wnFbrQ5QcDlssDFYxRso3Hq?usp=sharing>

Jeremy spoke on why he's proposing this

Encoding things we already follow per Francis' Democratic Rules of Order

Thomas Eddlem objects to Section 2d

Jeremy says that Section 2d is per National guidelines

Tara clarifies that National's guideline is when there's a Libertarian running

Cris concurs with Tara and reiterates that we can't vote on this tonight

Michael Dagleish questions how board the range of the Scope section is

Brodi Elwood asked about the role of the membership in regards to this proposal

Janel moved that a special convention be called so this be brought before the

membership to vote on

Charlie seconded

Ashley ruled out of order since it hasn't been two weeks yet

Janel then amended to simply call a special convention

Derek asked what this entails

Ashley explained that it's a full state convention with pre-published agenda

Jeremy disagrees that a full convention is required

Voting per roll call:

Janel - Yes

Charlie - Yes

Jeremy - No

Cris - No

Michael - No

Derek - No

Andrew - No

Ashley - Abstain

Motion fails because 2/3rds required to call a convention

Patrick Douglas asked whether amendments push the notification time out

Ashley ruled that it wouldn't unless the amendment completely changes the intent of the proposal

Cris clarified that no amendment can change the purpose of the proposal

Ashley explained that enacting proposal requires 2/3rds to pass, amendments on the floor just need majority, but later amendments would require 2/3rds

New business:

Cris moves to elect Tara DeSisto to the State Committee

We have a vacancy on the State Committee

Derek and Andrew seconded

Patrick Douglas asked about the vacancy

Daniel Riek resigned

Two officer positions are vacant: technical director and fundraiser

Tara cannot be fundraiser since she's National's fundraiser

Tara then talked a bit about her qualifications and her vision for the party

Has worked for National for two years

Worked on Jorgensen campaign

Wants to dismantle the two-party system

Brian Zakrajsek asked if Tara's dues are up to date

Andrew verified that she is

Jeremy talked a bit about how she interacted with the Greater Boston affiliate

Voting by roll call:

Andrew - Yes

Jeremy - Yes

Cris - Yes

Derek - Yes

Janel - Abstain

Charlie - Abstain

Michael - Yes

Ashley - Yes

Tara is elected to the State Committee

Tom Eddlem had a question about how affiliates give minutes to the State Committee

We can receive over Slack or email

local-groups channel on Slack

Bylaws changes from last meeting

Ashley proposed we revisit this next month so Tara

No formal objections, tabled until next week

Cris talked briefly about LPMA electoral history

Ashley being elected to city council makes her the highest elected Libertarian in MA history

Ashley then talked a bit about her campaign

Jeremy mentioned that someone else was running as a Libertarian

Janel and Charlie mentioned a Andrew Cordio ran as mayor of Fitchburg

Janel learned about this very late

Charlie said the candidate sent an email to us
Charlie says he apologized to him on the State Committee's behalf
Him, Scott, and Brodi were at the campaign wrap-up party
He's supposed to have received around 26% of the vote
Jeremy thinks it's unacceptable that we weren't told about this since there's
multiple ways to get ahold of us
Ashley said she wasn't aware of anyone else running
She requests that he speak to her directly about this so we can support them in
the future

Adjourned at 10:30 PM.

-
- A.1.1.1 Facsimile of proposed standards of behavior as submitted by Jeremy Thompson at November 8, 2021 State Committee meeting, substituted during December meeting.

Proposed Standards of Behavior

The Libertarian Association of Massachusetts ("LAMA") State Committee is committed to providing a welcoming, respectful, friendly, safe, supportive, and harassment-free environment for members, activists, donors, and all others in association with LAMA.

Therefore on this day, [date of motion's passing] we, the 2021 LAMA State Committee, hereby institute the following Standards of Behavior:

(1) Expected Behavior

- (a) 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.
 - (i) "Members must not use any form of personal criticism or ridicule to persuade a meeting. A member may criticize an idea but never a fellow member. A member must never interject or interfere with another member's right to an uninterrupted floor when speaking, except as allowed under a point of order. The chair should insist that this rule be followed" (Democratic rules of order - Fred Francis, Peg Francis. -- 9th ed.) - These are the rules of order that LAMA currently abides by as of LAMA Bylaws Article IV Section 9
- (b) It is hereby required that all LAMA members must ensure that all information given to the LAMA Membership Director remains up to date and as accurate as possible.

(2) Prohibited Behavior

- (a) Harassment, in any form, will not be tolerated.
 - (i) Harassment shall be defined as continued, unwanted actions that serve no reason other than to annoy, hurt, intimidate, or abuse a targeted individual.
 - (ii) Isolated incidents (unless extremely serious or persistent) will not rise to the level of harassment.

- (b) Threats of violence, and violence itself, will not be tolerated.
 - (i) This is to reiterate and further codify the Nolan pledge we require for all who wish to remain in affiliation with LAMA.
- (c) 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.
- (d) Attacking the campaigns of LAMA-endorsed Libertarian candidates running for public office shall be in violation of this Code of Conduct.
 - (i) "Attacking" shall not be defined as philosophical, policy, legal, or strategy disagreements. It means purposely undermining the campaign of a LAMA-endorsed candidate, for any reason, including endorsing the candidates of other political parties over our own.
- (e) Instigating or participating in deliberate actions that interfere with LAMA goals, as mentioned in the Preamble to our Bylaws, herein listed as:
 - (i) Recruiting candidates and helping Libertarians to run for office;
 - (ii) Organizing and supporting local and topical Libertarian groups;
 - (iii) Performing non-electoral political acts, e.g., referenda, lobbying, and litigation;"
 - (iv) Recruiting members, helping them to do politics;
 - (v) Educating the public on Libertarian political directions;
 - (vi) Creating circumstances favorable to attaining the Organization's objective, by creating politically-effective legally-independent PACs, 527 organizations, and nonprofit or for-profit organizations;
 - (vii) Raising and spending money to do its work;
 - (viii) And performing needed internal operations.

(3) Scope

- (a) These Standards of Behavior shall apply to all public spaces (including those online), anywhere LAMA business is conducted, all modes of LAMA communications, during LAMA endorsed events, and in any general setting associated with LAMA.

(4) Sanctions

- (a) Engaging in prohibited behavior in any capacity may result in the immediate suspension or termination of membership as considered by the LAMA State Committee after the accused has received access to due process.
- (i) Due process shall be defined as an executive session whereby the member(s) in question shall be provided ample opportunity, no less than 7 days, to present their case to the State Committee before a State Committee decision has been finalized.
- (ii) Violations of expected and prohibited behavior shall constitute the only criterion of defining the phrase "for cause" in LAMA Bylaws Article 1 Section 3 with regards to the termination of membership
- (b) If a LAMA State Committee member has been found to have violated the Standards of Behavior, they must be disciplined as outlined in Article IV, section 10 of the LAMA Constitution.

A.1.2 Facsimile of December LAMA State Committee meeting minutes

Minutes of the State Committee of the Libertarian Association of Massachusetts

December 13, 2021

Online via Zoom Cloud Meetings.

Present: Derek Newhall, Ashley Shade, Andrew Moore, Michael Burns, Cris Crawford, Jeremy Thompson, Tara DeSisto, Charlie Larkin, Janel Holmes, Ann Reed, Daniel Garrity, David Redding, Kenneth Luu, Kris Wilsom, Michael Dalgeish, Christopher Thrasher, Joshua Bromage, Brodi Elwood, Brian Zakrajsek, Jason Brand, Patrick Douglas, Erik Yankowsky, Thomas Eddlem, Connor O'Brien, Ryan Sullivan, Bryanna Clancy.

Start at 8:30 PM.

Minutes from last month accepted after correcting a typo discovered by Ann Reed.

Treasurer's report by Cris Crawford:

Pretty standard.

\$260 spent on walking tour for LNC meeting

\$222 spent on food. Will be in next report

~\$220 spent on donuts for LNC. Will be in next report

Deposit for convention will also be in next report

New account totals:

LAMA Federal Account: 20,382.79

LAMA State PAC: 7,173.46

MALP State Account: 1,698.98

Membership report by Andrew Moore:

Andrew is awaiting responses from our potential swag vendors

Convention planning:

Jo Jorgensen only speaker confirmed

Trying to get Justin Amash, but unlikely as of right now

Will be at Framingham Sheraton

Sat. April 23

LNC Meeting report:

Successful from LAMA's perspective

Saturday event went very well

Cris talked about the events of the weekend

Spent ~\$750 to host them

Tara also talked about the events of the weekend

National picked up some of the cost for the Friday event at 2Twenty2

Ashley talked to LPNH members represented our state committee well and were very civil
National left a bunch of t-shirts at Tara's house for fundraising purposes at our convention
Ann asked for clarification about the relationship between the LNC, National, and us
Derek commented that the open bar was nice at the fundraiser
Ashley pointed out that the LNC meeting is online on YouTube

Affiliates bylaws proposal from October meeting:

Originally proposed by Cris Crawford

<https://docs.google.com/document/d/1dcc0kt6qe3354dcipTNlzvYzzTpKEnmgpSWdRj07bf4/edit>

Motion to amend article VIII, sub-affiliates, of the LAMA Bylaws, to add paragraph 2 and renumber the following paragraphs.

1. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws. There must be a minimum of three meetings before the affiliate shall be recognized by LAMA.

2. Meetings

Meetings of LAMA sub-affiliates are open to all members of LAMA. The date, time and location of meetings shall be submitted to the state committee for posting on the lpmass.org calendar at least one week in advance. Meeting minutes shall be submitted to the state committee for publication on the member area of the LAMA web site within one week after a meeting. If a sub-affiliate has no meetings for a three-month period, it will be considered to be disbanded. A sub-affiliate can be reinstated after it holds a regular meeting by a majority vote of the state committee.

Tara talked about the state committee's responsibility for openness

Michael Dalgleish asked if the state committee follows the same rule

Ashley confirmed that it is

Cris commented that minutes are posted in the members areas, about how we're switching to CiviCRM, and if affiliates have issues with privacy they should talk to us

Tara said we should make more of our notices public

Ashley reminded people to stay on topic to the motion

Thomas Eddlem asked a couple questions

He had concerns about the privacy of guests listed in the minutes
Brought up point that the week requirement seems antithetical to ratifying the minutes the next meeting
Ashley clarified saying the minutes are not public, only to members, and the week issue doesn't affect

Ann Reed disagreed with Tara that we should limit our meetings only to LP members to prevent bad actors from showing up similar to the Dems and GOP

Ashley reiterated that the minutes are private to LAMA members and notices are public, and reminded people to stay on topic

Patrick Douglas asked if we should put in language to protect the privacy for the CiviCRM migration

Also if they meet at people's houses, the address shouldn't be public

Chris Thrasher asked about the three meeting requirement

Also asked about the wording of the Charter section, specifically the word "may"

Ashley explained her rationale for the three meeting requirement

It's to make sure that people who want to participate are able to before the bylaws are submitted

Brodi Elwood expressed concern that the language saying "all LAMA members" might override local affiliates expelling members

Ashley reiterated the need for inclusiveness at local level

Cris said participation and attending meetings are two separate things

Brian Zakrajsek asked about groups already in the process of forming

Ashley confirmed that, yes, it will

Ashley said it doesn't affect any affiliate she knows about right now

Patrick Douglas asked why all of this needs to be in the Bylaws if affiliate formation is already at the discretion of the state committee

Ashley

Voting on full text:

Derek - Yes

Andrew - Yes

Charlie - Yes

Cris - Yes

Tara - Yes

Janel - Nay

Jeremy - Yes

Michael - Yes

Ashley - Abstain

Motion passes

Code of conduct proposal:

Proposed Motion:

https://docs.google.com/document/d/1_Xdnx6-qYc9lwVTGfFFErjW7OOctqaY3crl-oZlIfP0/edit?pli=1

Proposed Standards of Behavior:

https://docs.google.com/document/d/1mgEU-4Nluhs93XsozL957cGOMxt_o8T31FMIErY8hAw/edit

Cris and Andrew seconded

Ashley proposed removing 2d the section on attacking LAMA-endorsed candidates

David Redding spoke against it

Said it's in violation of free speech

Said Jeremy was himself in violation of it

Ashley muted David over this comment as not germane to the motion itself

Cris spoke in favor of striking the section on attacking LAMA-endorsed candidates

Brian Zakrajsek spoke about requirement of keeping info up to date and who/how it applies to

Also had reservations about "interfering with LAMA goals"

Used the example of Bill Weld (the LAMA-endorsed candidate)

"endorsing" Hillary Clinton in 2016

Thinks this produces an problem of possible competing goals and might

be used to attack other people

Ashley said in this example Bill Weld would be in violation of this document

Also has concerns that due process is vaguely defined

Jeremy clarified by citing 4a

Cris also said this is a new requirement

Thinks this needs to be expanded/further clarified

What does "present their case" mean?

Michael Dalgleish had a question about updating information: What does this mean?

What are we looking for?

Jeremy spoke about the membership director needing information and is defined by them and SC

Asked for concerns. Ashley ruled out of order.

Janel says she has many issues with it

It's a loaded document

"Words have meaning, not intention"

Personal criticism is subjective

Ashley clarified that it's in Francis' Democratic Rules of Order

"Any behaviors which target" is vague

Says we can't always tell what people mean

Not up to legal standards

Wants to table until convention

Tara spoke to many of Janel's points

Once had many of same concerns as Janel

The "be courteous" part is part of LAMA's Bylaws

Supporting candidates is a tricky line to walk since we are an explicitly partisan organization
This is not a legal document, "due process" is internal not legal
In favor of adding language to specify/clarify it more
Nolan pledge should be part of our membership form
 An important part of our political heritage and must be upheld
Diversity of thought is important, but we must be welcoming
Chris Thrasher talked about his concerns
 Thanked the SC for taking comments
 While actions have warranted this in the past, he has concerns about document
 Ghost of Lee Wrights says no libertarian document should say "Prohibited"
 Concerned about how the SC may interpret
 Membership in organizations could be
 Thinks this prevents people from disagreeing with others
 Applying this to membership seems like overreach
 Thinks "for cause" restricts SC
 If we pass this, make it specific to harassment
Jeremy responded
 Likes Thrasher's amended document
 But thinks "for cause" should remain as it is
Derek thinks John Dixon's proposed amendment would be out of order
 Tried to do a motion to postpone
 Ashley ruled out of order
Brodi Elwood thinks this should be brought before a full convention
Ann Reed thinks this is a "heavy" document
 "No human degradation" should be enough
 Final document should be friendly
A motion to replace Jeremy's version with Chris Thrasher's amended version:
https://docs.google.com/document/d/1aOwokngLD3zJnQ_UBKCckZbMIURD7DecpSp1EzE2deE/edit
 No objections from the State Committee
Jeremy asked if amending pushed the deadline back
 Ashley explained it does not
Cris spoke in favor of the new version
 Condensed version of what Jeremy was trying to do
Andrew thanked everyone for their work
Tara thanked Chris for his work for National
Janel wanted clarification on how this affects our bylaws
 Ashley and Jeremy explained this is an addition to our bylaws, not a replacement
Daniel Garrity thinks this is an unlibertarian document
 Said he has the votes to push this into a special convention
 Jeremy responded that most libertarian organizations have standards of conduct
 Andrew agreed

Examples: Students for Liberty, Young Americans for Liberty, Ludwig von Mises Institute
Private organizations having the right to set their standards is a cornerstone of libertarian principles
Ashley said all organization should have an anti-harassment policy
Thanked everyone who contributed
Chris Thrasher reiterated that this would be better passed at convention
David Redding wants it noted that only the State Committee has spoken in favor of this and everyone from the membership wants this tabled or is against it
No org has this for donating members
And this is a legal document
Cris spoke to Ann's objection
It would be great if everyone was as nice as Ann
The abuse we have experienced from people is the worst in memory
Appears coordinated and from people who have done no work for LAMA or the LP
Tara spoke regarding some of Cris' points
We must be a big tent organization, this document does not go against that principle
We must divorce ourself from any organization or individuals who are bigoted or violent
While this does have some legal weight (per David Redding's point), Chris Thrasher, the author, is in law school
Voting for the new version of the proposal:
Andrew - Yes
Charlie - No
Cris - Yes
Derek - Yes
Jeremy - Yes
Janel - No
Michael - Yes
Tara - Yes
Ashley - Abstain
Motion passes.
Cris and Jeremy thanked Chris Thrasher again.
Jeremy expressed his intention to amend this document next meeting.
Full text of the passed motion:

Alternative Standards of Behavior Proposal for the LAMA

The Libertarian Association of Massachusetts ("LAMA") State Committee is committed to providing a welcoming, respectful, friendly, safe, supportive, and harassment-free environment for members, activists, donors, and all others in association with LAMA.

Therefore on this day, [date of motion's passing] we, the 2021 LAMA State Committee, hereby institute the following:

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

1. 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.

2. 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.

Reminders:

Jeremy:

Liberty in Action: How Change Happens
April 2 at Harvard
Urges libertarians to run in Boston

Tara:

Association of Libertarian Educators
March 25-27 at Doubletree Hotel where LNC meeting occurred
MA is big in education
96% of educators identify as "liberal"
If anyone wants to help, let Tara know
Want to limit participation to mostly educators, but any volunteers for setting up/running the event would be helpful
Ann Reed asked whether this would touch on COVID mandates

Tara does not know the exact agenda, but it primarily focuses on issues inside academic institutions

While Tara has not seen it on the agenda yet, it is very possible it will be at least partially addressed

Ashley said that people who record this meeting without the express consent of all those who are present are in violation of Massachusetts law

New business:

Jeremy proposes that sections 1b, 2e, 3 and 4a2 from the original standards of behavior be added to the document just passed.

Will be discussed and voted on next meeting

Text of relevant sections:

(1) Expected Behavior

(b) It is hereby required that all LAMA members must ensure that all information given to the LAMA Membership Director remains up to date and as accurate as possible.

(2) Prohibited Behavior

(e) Instigating or participating in deliberate actions that interfere with LAMA goals, as mentioned in the Preamble to our Bylaws, herein listed as:

- (i) Recruiting candidates and helping Libertarians to run for office;
- (ii) Organizing and supporting local and topical Libertarian groups;
- (iii) Performing non-electoral political acts, e.g., referenda, lobbying, and litigation;"
- (iv) Recruiting members, helping them to do politics;
- (v) Educating the public on Libertarian political directions;
- (vi) Creating circumstances favorable to attaining the Organization's objective, by creating politically-effective legally-independent PACs, 527 organizations, and nonprofit or for-profit organizations;
- (vii) Raising and spending money to do its work;
- (viii) And performing needed internal operations.

(3) Scope

(a) These Standards of Behavior shall apply to all public spaces (including those online), anywhere LAMA business is conducted, all modes of LAMA communications, during LAMA endorsed events, and in any general setting associated with LAMA.

(4) Sanctions

(a) Engaging in prohibited behavior in any capacity may result in the immediate suspension or termination of membership as considered by the LAMA State Committee after the accused has received access to due process.

(ii) Violations of expected and prohibited behavior shall constitute the only

critierion of defining the phrase "for cause" in LAMA Bylaws Article 1 Section 3
with regards to the termination of membership

Adjourned at 10:50.

A.1.3 Facsimile of January LAMA State Committee meeting minutes

Minutes of the State Committee of the Libertarian Association of Massachusetts

January 10, 2022

Online via Zoom Cloud Meetings.

Present: Derek Newhall, Ashley Shade, Andrew Moore, Michael Burns, Cris Crawford, Jeremy Thompson, Tara DeSisto, Charlie Larkin, Janel Holmes. Closed to other participants.

Start at 8:35 PM.

Convention planning

Cris wants to set the price to break even at \$60 for day, \$40 for banquet, \$100 for both
Voted by voice. No objections. Passed

Treasurer's report by Cris Crawford

Income: \$857.50

Expenses: \$2,000: deposit for the convention hotel, ~\$700: NB transitions fees and LNC weekend (\$634.90)

Petition for special convention

Signed by 46 people, 1 was not a member, 2 joined after signing

Agenda proposed is not compliant with constitution

Agenda: Elect new state committee, Set number of committee numbers

Article 4.1 lays out requirements for those two points

Since agenda does not have constitutional change to contravene Article 4.1, agenda cannot be valid

Also out of order because date, agenda, location already selected for electing new state committee

Michael Burns as Political Director takes over the meeting from Ashley Shade who wishes to participate in debate

New business:

Jeremy spoke

Time to take action and remove members who signed the petition

It is not fair to usurp the will of the last convention for a malicious caucus

Janel then spoke

She disagreed with Jeremy's account

Tom Eddlem for example is someone who cares, Brodi is someone who welcomes

Janel is concerned on what is going on

Expected us to expel all members who signed the petition

Janel is going to resign after this meeting
She cannot continue to work for an organization that controls from the top down
She brought up the work to create local affiliates that has been done
Her phone microphone then cut out
John Dixson signed and has no affiliation with Mises
Not someone who is looking to usurp
Must treat people as individuals and not as a group
Discussion on what the purpose of the goal of the party
To grow the party? Or have a private club
Cris then spoke
This is not a difference of opinion, this is Mises Caucus trying to pack the national convention
She can read emails and quotes from Michael Heisse detailing that this is the point
Janel said Brodi Elwood has not talked about a takeover
Ashley Shade:
Ashley agreed with Janel that we should treat as individuals, not everyone who signed is part of the "takeover"
Read the preamble of the Constitution to describe what we are supposed to do as a party
Agreed with Cris on the delegates issue
We are responsible to the people who elected us to prevent a takeover
Everyone who signed the petition is not in the wrong, only the organizers
She suggest to expel all the members and let them back in on a case-by-case basis
Any action to expel is purely to protect against takeover
Became a libertarian to set people free and fight against government and oppression
The majority of people who signed the petition joined the state party specifically to takeover
Ashley moves to expel all members who signed the petition and refund their dues, and at the end of the meeting resign
Jeremy seconds
Voting by secret ballot over Zoom
6 yes, 1 no, 0 abstentions.
Charlie Larkin and Tara DeSisto were not present for the vote

Ashley will resign officially at midnight.

Adjourned 9:25.

A.1.4 Facsimile of minutes of February 7 LAMA state committee meeting

Minutes of the State Committee of the Libertarian Association of Massachusetts

February 7, 2022

Online via Zoom Cloud Meetings.

Present: Derek Newhall, Cris Crawford, Michael Burns, Tara DeSisto, Ann Reed, Michael Isenberg, Don Graham, George Phillis, John Pierce, Christopher Thrasher, Gabrielle Weatherbee.

Start at 8:10 PM.

Minutes from last month accepted.

No Treasurer's or Membership Director's report this month.

Convention:

Confirmed speakers include: Dan Fishman, Whitney, Jo, Miron

Trying to get Amash

Talked about marketing the event in our last meeting

Tara asked for opinions from the members

Brief discussion of Porcupine app

Still discussing whether to do hybrid or just in-person

Michael asked about hotel restrictions

Cris says hotel doesn't know yet

Tara talked about expectations based on other conventions' experience

Cris reiterated that we always need volunteers

Tara asked to make a motion

Gave a fair overview of the petition vs. SC

Called some petitioners and asked if they wanted to be reinstated

4 people said they will not reinstate

[Correction 3/14/2022: Originally this said "all petitioners", but this has since been clarified to be "some petitioners".]

Made motion to reinstate Daniel Burnham

Lifetime member of National

LAMA-adjacent since 2004

Even though Mises Caucus affiliated, he does not engage in their behavior

Cris asked to discuss

Thinks we should table this until after we discuss criteria to be let back in

Derek agrees

Jeremy says you don't need to be a member of LAMA to help with campaigns

His vote will always be against reinstating Mises Caucus

Ann says only proper decision tonight would be reinstate all expelled members
Thinks calling them "conspirators" and racists is besmirching them politically
Should not be reinstating members piecemeal
Their only motive was to set up affiliates
Cris says we have not called all petitioners Mises or racists
Ann said that was incorrect per the National meeting
Tara disagrees with reinstating all members
Thinks it is close to legal grounds for harassment
The level of toxicity from the Mises Caucus is harmful
Them branding their actions/goals as a "takeover" is specifically harmful
[Correction 3/15/2022: Clarified who was branding what.]
Seen racism, trans-/homophobia, and misogyny from them
Only 46 were expelled, 1 wasn't a member, 14 only paid \$2 in dues
Not everyone who signed the petition was Mises and some had real grievances
[Correction 3/15/2022: Clarified part of sentence saying "some had real grievances".]
Cris called the question
Tara disagrees
Michael pointed out that the motion was never seconded
Motion fails for lack of second
Chris Thrasher asked for clarifications
About paying dues, and who wasn't a member
Michael tried to explain the rationale for why the petition was out of order
Derek jumped in and gave a small description
Tara and Chris had a brief discussion on the membership dues criteria
Chris agrees that elements of the Mises Caucus are disgusting
Has serious concern regarding the code of conduct which would affect all LAMA members
[Correction 3/15/2022: Added "affect all LAMA members"]
Expelling seems overreach for them exercising their right to petition
A very disappointing action in his mind
Thinks we should just treat the expulsion as not happening
Thinks there's an issue of state law regarding Ashley Shade being the head of a PAC
Clearly members of that group who have engaged in abhorrent harassment should be expelled
Don Graham had a two-part question
Will the SC entertain either of the motions?
And can we move to discussing them?
Daniel Riek talked
Sympathizes with Ann Reed and Chris Thrasher's comments
Doesn't not support a "takeover"

[Correction 3/15/2022: The end of the sentence read "and agrees that they are", which was removed instead of clarified.]

LPMA must not become LPNH

Question is how do we get there and how do we fix things?

Cris made a motion to adopt the Worcester County statement

https://docs.google.com/document/d/1RFIH6E6ysHL1aqiLY8SYZRz2AAbwSZca_p8w4yP0Nrc/edit

Tara objects

Cris thinks it's the best approach to reinstating members

Thinks some members didn't understand what the Mises Caucus was trying to do

Tara and Michael mentioned that people don't understand how abusive the Mises Caucus was

Jeremy jumped in that people must not be paying attention to not notice the Mises Caucus' racism

Tara it's not our job to present all the evidence to the body and be judged

Ann says she has not seen any of the mentioned behavior

It is often a political parlor trick to call something "racism"

[Correction 3/14/2022: Language clarified. Ann believes this statement happened later; sometime after where these minutes state "Tara interrupted and called Ann an apologist for racism".]

Thinks that our description of their behavior is a caricature of them

But even if true, should have been dealt with individually

Consensus appears to be that the expulsion is invalid

Wanted to be at the last meeting, but discovered it was a closed-door session

It being a closed-door session is a big red flag for her

[Correction 3/14/2022: Ann clarified that the red flag was not that the session was a closed-door session, the red flag was that the session did not begin as an open-door session before continuing as a closed-door session.]

Daniel Riek talked regarding both Jeremy and Ann's comments

There's a gap in understanding and the SC should explain themselves

Agrees with Ann, but wants to defend the SC because he's seen the abuse they've witnessed

Complicated on both sides

SC was right to address the problems, but summary expulsion is wrong move, but hard to do with anonymous accounts

As manager of the Twitter account, he saw everything that was directed against the party

Cris explained her opinion

SC members know more about what's going on than general membership

Mises Caucus is really a political action committee (PAC), not a caucus

Detailed Michael Heisse's plan to stuff affiliates with non-libertarians to take control and how it worked in LPNH
Talked about how terrible Jeffrey Kauffman and Karlyn Borysenko were
[Correction 3/14/2022: Karlyn Borysenko's name was inserted where an obvious placeholder existed previously.]
These are examples of what happens when the Mises Caucus takes over
The behavior around the petition was the same pattern
Considers people joining just for this petition as fraud
Derek read part of his statement to the LNC
<https://docs.google.com/document/d/1S6vcyAtbBS9HNmaZBoO1tbIAfM3Vbg0qHpBnU67Kh0c/edit>
[Correction 3/15/2022: Link added to public version of statements.]
Michael corrected a few points
George Phillies
Politics is about image
We need to accumulate all the evidence and make it public
Our actions for expulsion were valid
We will only static meeting with the LNC, Cris did well in the meeting, but need someone who's a better politician
Claim that we needed to vote 47 times is absurd, for example
[Correction 3/15/2022: Clarified that Cris did well "in the meeting", and that the static applied to "meeting with the LNC".]
Worcester County proposal is a waste of time
Contact each person for a statement, and if they don't respond, they've accepted their expulsion
Need to be recruiting candidates for office
Don Graham
Thinks we are wasting time
People had other reasons for signing the petition besides replacing the SC
[Correction 3/15/2022: Added "for signing the petition besides replacing the SC"]
George's proposal is unfair if they think they are in the right
Should have negotiators or rescind motion to expel and then treat each member as individual case
5 people wouldn't have been bad, but 25% is a large number of members and does reputational harm
Can we get some negotiations going?
Tara talked about the proposal
Not 25% of the membership, because they are all recent members
The SC has made it a priority to run races
Papers have not been released yet, so it's unfair to say we're not recruiting yet
Objects, because she's already talked to many of these individuals

Been told personally by MC members that she should kill herself, seen people be subjected to vile racial slurs
Barriers are antithetical to liberty, but freedom of association is how we protect ourselves from those who oppose liberty
We should not treat the petitioners as a monolith
She is interested in negotiating
Will have to leave at 9:30, but recommends a meeting in two weeks, and wants to move in a positive direction
Jeremy discussed Don's statements
Thinks Don is on the side of petitioners
Thinks the new SC has done more now than during Don's tenure
Don asked to address these comments since he was addressed by name
Don responded to Jeremy's statements
Doesn't know why he's being attacked by a SC member
Thinks the groundwork he set up is why the SC did good work
Can not take credit for people forming the chapters
When he was chair, set out 2-year road map
A lot of attacking is going on by both sides
It isn't good when a SC member attacks another current/former SC member publicly
He himself has never done it
[Correction 3/15/2022: Reworded the above for clarity.]
Wants to maintain a sense of decorum
He is running for SC and ideally state chair
Platform is to move forward, not about the past
Jeremy interjected that his statements were supposed to be an attack on Don
Just like the SC has been attacked a lot recently
We had a takeover by the "clown caucus" to get Vermin Supreme elected
He had people run for office
Cris and Tara asked why this discussion is going on
Cris talked about a couple points brought up
Jeremy was out there recruiting candidates, so at least 3 SC members are out there doing work for the party
[Correction 3/15/2022: Added "doing work for the party"]
MC members didn't want to do anything
Vermin is not a racist. If he wants to takeover, it's less dangerous than those who talk about black people or the holocaust
The things that the SC does are not being communicated
[Correction 3/15/2022: Replaced "we do" with "what the SC does"]
Last two communication directors signed the petition
To speak to this proposal:
Cris wants to negotiate a solution

Ann

Thanked Cris for the kind words and newsletter
Charlie Larkin does wish to be reinstated
Appreciates Tara reaching out, but someone else should help
Reinstate across the board or open the door to all of them
Daniel (out-of-order) supported both points Ann brought up

Tara

LNC Region 9 rep hasn't contacted any members of the SC
[Correction 3/15/2022: Clarified who hadn't contacted who.]
Dan and Ann are negotiating on the petitioners behalf, but she doesn't believe
Charlie wants to be reinstated because he helped damage the party
Ann being uneducated about the Mises Caucus makes her a poor negotiator
Janel is not a good-faith negotiator
Voted no on the Worcester proposal and wants to continue individual motion to
reinstate people
The petitioners can't be treated as monolith, for both good or bad reasons
[Correction 3/15/2022: Clarified who can't be treated as a monolith.]
Dan responded since he was mentioned by name
Agreed with most of Tara's points
Agrees the petition was in bad faith
The SC then treated them as a monolith which creates a problem
[Correction 3/15/2022: Clarified who treated who.]
We need to find a path forward
It's going to be a big issue
Could be voted on at convention
[Correction 3/15/2022: Added "at convention".]
Further escalation until then since they have no reason to believe
or trust us and will continue the ludicrous special convention
Overall this will all harm LAMA, and that's his concern

Michael Isenberg talked

Worceter proposal is the best
Neutral negotiators are needed
Some issues will never be solved in 1 or 2 SC meetings
Cris hinted that Michael Isenberg would be a good neutral negotiator
[Correction 3/15/2022: Added "negotiator".]

Daniel Riek

Doesn't know what the right path forward is
Asked if doing this proposal with all the subaffiliates is possible

Ann Reed

Ann said she thought that everyone [???)
[Correction 3/15/2022: This sentence was incomplete with no indication of
what was intended.]
Derek asked where it was
Tara interrupted and called Ann an apologist for racism

Bunch of outbursts
Ann yielded the floor to Don Graham
Don talked
Everyone is interested in negotiating
If we get 2-3 people in the room, some arrangement can be made
Cris read the text of the proposal to clarify everything
Derek digressed about similar motions and amendments
Agrees that negotiation might be useful
Tara asked about delegation from SC
Cris recommended Chris Thrasher as the neutral third party
[Correction 3/15/2022: Added "party".]
He said he would accept
Thinks talking about "negotiations" are ridiculous; sounds like
hostage negotiations
[Correction 3/15/2022: Added "negotiations" at end.]
Michael Isenberg asked for clarifications on Tara's statement
Daniel Riek doesn't want to be a negotiator
Derek called the question
Cris - Yes
Derek - Yes
Tara - Yes
Jeremy - No
Michael - Abstain
Motion passes

Cris made a motion to decide who the SC negotiators are
Derek thinks we should do this later in Slack
Motion dies for lack of second

Daniel rescinded his proposal
Ann spoke in defense of his proposal

Motion to adjourn by Cris
Seconded by Tara
Motion passed by voice vote

Adjourned at 10:05.

[Note 3/15/2022:
These minutes were edited after the fact for clarity and accuracy based on the input from the
attendees. Changes to spelling, spacing, punctuation, and grammar are not noted, unless

significant. All significant changes are noted, and any other changes were carefully made to avoid any changes in meaning.]

A.2 A reproduction of the December 19, 2022 petition for a special convention of LAMA

A petition for a Special State Convention of the Libertarian Association of Massachusetts to elect a State Committee:

With this call we, the undersigned members of the Libertarian Association of Massachusetts, call on the State Committee to organize a special meeting of the State Convention between thirty and sixty days of this call being presented, as provided in Article II of the Constitution of the Libertarian Association of Massachusetts, at a time and place that is convenient to the membership of the Libertarian Association of Massachusetts.

We, the undersigned, call on the State Committee to work in good faith to find a date and time that makes it possible for the greatest number of members to attend; in particular, to avoid holidays, school vacation weeks, or before 6 PM if the convention is to be held on a weekday. We expect a physical venue to be selected; if the State Committee has difficulty finding a physical venue to host the meeting, the first names on the list of signatures offer to help find one.

With this call, we place these items on the agenda for the Special State Convention to consider:

Special Orders:

Move:

That the following Special Order is adopted for this meeting, if held in an electronic forum: In order to retain the ability to rise on a point of order a side-by-side chat will be maintained, to which all members may post or reply.

Motion to Set the Number of Seats on the State Committee:

Move:

To set the number of seats on the State Committee at nine.

NOTE: This is the maximum number of seats to be elected at a regular meeting, and the number who were elected at the last regular meeting of the Association.

Election of a new State Committee:

Nominations are open from the floor.

NOTE: As provided for in Article IV, Section 5, of the Constitution, all of the current members of the State Committee will hold office until the adjournment of this meeting.

A.3 Tara DeSisto's December 22 comment in Massachusetts Libertarians Facebook group.



Brodi Elwood

Tara DeSisto Where have I shown aggression?

5h Like Reply



Tara DeSisto

Brodi Elwood the petition itself if an act of aggression against the SC.

4h Like Reply



A.4 Reproduction of the petition to the LNC by Charlie Larkin, Janel Holmes, and affiliate leadership

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)

A.5 Libertarian Party of South Shore resolutions

A.5.1 Reproduction of the South Shore Libertarian Party resolution against Code of Conduct/Standards of Behavior proposal

Resolution of the South Shore Libertarian Party

Unanimously adopted at the monthly meeting, December 12, 2021

After enduring some witheringly crass ridicule, members of the LAMA executive committee have proposed a "Code of Conduct" that would require the following behavior:

Required Behaviour

1(a) It is hereby required that all LAMA members be courteous 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." https://docs.google.com/document/d/1mgEU-4NIuhs93XsozL957cGOMxt_o8T31FMIErY8hAw/edit?usp=sharing

While the South Shore Libertarian Party expresses sympathy for executive committee members thus insulted and ridiculed, we oppose the proposed code of conduct for both specific and general reasons. Generally speaking, being an adult means having to work with difficult, often crass people, and being in the leadership of a political party means working with people with whom you disagree and who are criticizing you.

There's a benefit in a broad, vigorous public discourse, especially within a political party, which this resolution seems to overlook and would unintentionally suppress.

It should also be stressed that LAMA is a group of donors, not an exhaustive list of people publicly affiliated with the Libertarian Party; anyone in the Commonwealth of Massachusetts can publicly register as a Libertarian Party member on the voter rolls. Banishing a rude donor does not help protect the public image of the Libertarian Party, particularly in an atmosphere of unfriendly establishment media. Mere party

registration with the registrar of voters will cement the image of a person much more publicly than the private membership rolls of LAMA. Moreover, a competent leadership should be able to make use of that rude donor's membership fee to grow the party regardless of his/her language.

We need only to look at the Delaware situation discussed just last week by the Libertarian Party National Committee to find examples of such naked corruption.

More specifically, the existing proposal is fraught with loose language with a potential for abuse. It is certainly likely that this resolution would eventually be used by future LAMA leadership -- not necessarily this leadership -- to cover up crimes. A LAMA member will eventually witness something illegal in an LP-endorsed campaign, whether a bribe, illegal donation, pay-for-play, etc., though we should hope it will be many decades down the road. Publicly revealing/reporting this could be considered an "attack" on the campaign (it certainly wouldn't be a favor), lobbying effort or other work in "raising and spending money" and could serve as a cover-up mechanism.

Indeed, the language in the proposed LAMA resolution is so general that this resolution by the South Shore Libertarian Party opposing it could reasonably be perceived as being within the purview of "Instigating or participating in deliberate actions that interfere with LAMA goals" or "Performing needed internal operations."

This proposed LAMA resolution is troubling not just because of the specific potential for abuse, but because it exposes a party leadership more engaged in throwing people out of the party than in bringing in new people. It distracts from the party's main mission of opposing government intrusion in our daily lives more effectively, especially opposing vaccine and mask mandates, US imperialism abroad and looming rampant inflation that will devastate the working poor and middle classes. It's those latter things the Commonwealth of Massachusetts and the United States most need from the Libertarian Party.

A political party limited to "courteous" members is inevitably a very small party, one too small to be effective in the work of lessening the burden of government (whose agents and media vassals are not courteous) upon the common person.

Therefore, the South Shore Libertarian Party urges the executive committee of the Libertarian Association of Massachusetts (LAMA) to reject the proposal on the table and substitute it with a resolution reaffirming the national Libertarian Party code of conduct.

Approved December 12

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

A.5.2 January 22, 2022 Statement of SSLP concerning the actions of the State Committee on January 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

A.6 Libertarian Party of Worcester County resolutions

A.6.1 Reproduction of Libertarian Party of Worcester County resolution on Jan. 10 state committee meeting

Resolution to Dismiss Recognition of the January 10th LAMA State Committee Meeting

Whereas, on January 10th 2022 the LAMA State Committee held a regularly scheduled meeting in which they voted to terminate the membership of 47 members who petitioned for a special convention in accordance with the process outlined in the LAMA constitution.

Whereas, This meeting was held without agenda and was opened in a closed session and

Whereas, The standing of multiple Committee Members at the time of the vote is now in question with regard to the LAMA Constitution, LAMA By-laws, and/or Massachusetts General Law.

Therefore, be it resolved that the Libertarian Party of Worcester County by unanimous vote does not recognize the January 10th meeting of the LAMA SC to have been properly held and does not recognize actions proposed or passed at this meeting as any such actions are void as it was only an informal gathering.

Therefore, be it further resolved that the Libertarian Party of Worcester County recognizes the proper state committee to consist of State committee members who were supposed by the acting State Committee to have been expelled and does not recognize State Committee Members who are not eligible to serve as State Committee Members due to violations of the LAMA Constitution, LAMA Bylaws, and/or Massachusetts General Law and furthermore will not recognize any further action taken by the existing partial State Committee.

Libertarian Party of Worcester County
January 11, 2022

A.6.2 Reproduction of Libertarian Party of Worcester County resolution of censure on state committee members

Public Letter of Censure of the LAMA State Committee

Whereas, On January 10th 2022 the LAMA State Committee voted to terminate the membership of 47 members who petitioned for a special convention according to the process outlined in the LAMA constitution.

Whereas, This meeting to expel was held without agenda and opened in a closed session and

Whereas, The standing of multiple Committee Members at the time of the vote is now in question with regard to the LAMA Constitution, LAMA Bylaws, and/or Massachusetts General Law.

Therefore, be it resolved that the Libertarian Party of Worcester County by unanimous vote censures the LAMA State Committee for their actions taken in an effort to enact a mass expulsion of LAMA members.

Libertarian Party of Worcester County
January 11, 2022

A.6.3 Worcester Libertarian Party resolution to send negotiators to LAMA state committee Feb. 3, 2022

Resolution for Negotiations with the LAMA State Committee

In the spirit of unity and for the purpose of repairing damages within the Libertarian Association of Massachusetts (LAMA) the members of the Libertarian Party of Worcester county have voted to put forth a

delegation to represent the members of Worcester County Libertarian Party (LPWC) who were allegedly removed from LAMA.

- This delegation is authorized to speak for and negotiate on behalf of the LPWC members who are no longer recognized by the acting State Committee (SC) in any negotiations with the LAMA SC regarding the events that lead to or are a result of the expulsion of the members from LAMA.
- This delegation is authorized to work with any portion of the SC with the authority to reach and approve a deal that brings unity to LAMA.

This delegation being authorized to speak on behalf of LPWC does not however speak for each member removed from LAMA membership; each individual will need to personally agree to any agreements reached between LPWC and the SC.

- This delegation is not permitted to enter into any agreement that is not expressly available to all LAMA members no longer recognized by the acting SC regardless of their association with LPWC.
- The delegation is not permitted to enter into negotiations with the SC without the presence of a mutually agreed upon third party which may include but is not limited to neutral LAMA members, Libertarians from other states, or professional mediators at the expense of the SC.

The offer for this delegation to enter into negotiations with the SC to find resolutions to the LAMA fracture is in no way an admission of any wrongdoing by the members no longer recognized by the acting SC or by the SC however formal admissions of wrongdoing may be considered as part of negotiations. The SC, if willing to present a delegation to negotiate, should respond to one of the emails sent to them containing this notice and may in addition reach out to members of LPWC to coordinate negotiations.

- If no response from the SC is received within one week of the publication of this notice the delegation will be dissolved.
- If no resolution is approved or is possible to enact at least one month prior to the selection of delegates to the LP National Convention by the SC, removed members, any portion of LPMA, or any group that intends to send delegates from Massachusetts to the National LP convention negotiations will be ended and this delegation will be dissolved.
- If any portion of an approved resolution is found to be in violation of any federal or state laws, the LAMA Constitution, the LAMA bylaws, the LPWC Constitution, or the LPWC bylaws the resolution will be void.

Libertarian Party of Worcester County
February 3, 2022

A.6.4 Reproduction of Libertarian Party of Worcester County resolution on Feb. 26 special convention

Resolution to Confirm LAMA State Committee as Elected on February 26, 2022

Whereas, on December 19, 2021, LAMA membership submitted a petition for a special convention to re-elect the LAMA State Committee and

Whereas, the petition contained greater than the 10% of valid member signatures required for a special convention as provided for in Article 2 Section 5 of the LAMA Constitution.

Whereas, the vote to expel LAMA members who signed the petition on January 10, 2022, was taken during a supposed LAMA State Committee meeting that had no agenda and was improperly called to order in closed session and

Whereas, the vote to expel included the expulsion of two state Committee Members without due process in direct violation of Article 4 Section 10 of the LAMA Constitution and

Whereas, a former State Committee member who voted cast their vote while serving in violation of Article 1 section 1 of the LAMA Bylaws and

Whereas, a former State Committee member who voted cast their vote while serving in violation of Chapter 55 Section 5A of Massachusetts General Law.

Whereas, a petition for a special convention as provided for in Article 2 Section 5 of the LAMA Constitution does not require any portion of the State Committee to recognize the petition.

Whereas, two duly elected members of the 2021 LAMA State Committee did organize and conduct the special convention as obligated to do so by Article 2 Section 5 of the LAMA Constitution.

Whereas, a new State Committee was elected at special convention on February 26., 2022, in accordance with the LAMA bylaws Article 2 and the LAMA Constitution Article 2 to the extent possible given deliberate obstructive actions and omissions by former State Committee members.

Therefore, be it resolved that the Libertarian Party of Worcester County, a fully recognized sub-affiliate of LAMA, does confirm the LAMA state Committee as elected at the special convention held in person on February 26, 2022, in Worcester Massachusetts.

Therefore, be it further resolved that the Libertarian Party of Worcester County will recognize proceedings from the newly elected State Committee as official LAMA business including but not limited to any demands that all LAMA assets, properties, accounts, and information be delivered immediately by former State Committee members to the new State Committee as duly elected by the LAMA membership.

Further, the Libertarian Party of Worcester County encourages all other Sub-affiliates of LAMA to also Confirm the State Committee as elected at special convention and

Further, encourages the LNC and other Libertarian affiliates and organizations around the country to resolve to recognize the LAMA State Committee as those elected in accordance with the LAMA Constitution and bylaws and in accordance with the will of the membership of LAMA at special convention on February 26, 2022.

Libertarian Party of Worcester County
March 3, 2022

A.7 Libertarian Party of Middlesex resolutions

A.7.1 Reproduction of Libertarian Party of Middlesex Motion of Censure of Ashley Shade on January 15, 2022

The following motion was duly made and seconded: That the LP of Middlesex censures Ashley Shade. She acted as chair of the State Party after having been elected to office, ignoring legal standards with respect to conflicts of interest. She attempted a coup against the membership. She illegally opened a meeting of the State Committee in Executive Session. She attempted to use the illegal meeting to expel 47 members who had exerted their Constitutional authority to call a Special Convention. She proceeded with the vote to expel en masse without any due process or representation.

Passed unanimously.

A.7.2 Reproduction of Libertarian Party of Middlesex motion on January 15, 2022 to send representatives to plan the special convention

The following motion was duly made and seconded: To send Jason Brand, Kenneth Luu and Brian Zakrajsek as delegates to the group of members planning a Special Convention.

Passed unanimously.

A.7.3 Reproduction of the March 19 Libertarian Party of Middlesex resolution to recognize the special convention and April 24 regular convention

The following motion was duly made and seconded: To recognize the special convention held in Worcester on February 26th, 2022, as a Libertarian Association of Massachusetts convention, and the state committee elected at the convention as the state committee of the Libertarian Association of Massachusetts. And to recognize the the convention being organized by that state committee for April 24th, 2022, in Natick, MA, as the regular convention of the Libertarian Association of Massachusetts.

A.8 Facsimile of prepared remarks of LAMA State Committee member Janel Holmes before the LNC on Jan. 23, 2022 (via Zoom)

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

A.9 Letter by Caryn Ann Harlos, RP to LAMA State Committee members

January 27, 2022

State Committee Members:

I have been retained as advisory parliamentarian by Brodi Elwood and certain other select members of the group of LAMA members who were signatories to the Petition for a Special Convention. I am not writing solely as a parliamentarian, however, but also as a Libertarian, committed to this Party and its principles. I will try to clearly state to which "hat" I am referring to in this communication.

To say that your actions of January 10, 2022, were beyond any bounds of Libertarian ethical principles, parliamentary protocol, and potentially the laws of the state of Massachusetts would be an understatement. I am not an attorney and while I may express some personal opinions about legal matters in this letter, none of that should be taken as legal opinion or advice which I am not qualified nor licensed to give. I have advised my client to seek legal representation and assert any legal rights they have that are within the bounds of their Libertarian consciences. At a minimum, to me, this Committee is guilty of potentially actionable defamation for which you may be personally liable if any of the people so defamed believe this is a Libertarian legal cause of action. In addition, there may be a cause of action for fraud since there was an exchange of money involved in these memberships which may be deemed to create a quasi-contractual relationship which you breached. Further, it seems like the former Chair, Ashley Shade, breached the state laws of Massachusetts (Title VIII, Chapter 55, Section 5A) which is intended to prevent PAC officers from diverting funds and activities to their own personal campaigns to the detriment of other goals of the PAC. This charge is being claimed by multiple members of the LAMA, and if true, this might be very serious indeed. A properly credentialed attorney would need to review these issues and make a legal determination.

I understand that your organization has adopted the Democratic Rules of Order (DRO) as its parliamentary authority **for state committee meetings**. Whether this was the intent or not, there is no adopted parliamentary authority for any other setting. In cases where the governing documents and the parliamentary authority are silent (or there is no parliamentary authority), issues are ruled by custom and general parliamentary law. In researching the prior parliamentary authority, I have confirmed it was Robert's Rules of Order, Newly Revised (RONR), and not just for state committee meetings but for the entirety of LAMA business. This is important because DRO is lacking many critical details and because you have no adopted parliamentary authority in settings outside of state committee meetings. The past use of RONR makes it the default custom, and as the gold standard in parliamentary authority, RONR generally articulates general parliamentary law. DRO is wholly inadequate for political entities and puts you under principles that are general and wide-reaching rather than tailored specifically for your organization.

There are multiple areas of violation that I will detail out here for you with the demand of my client to recognize your meeting and decisions of January 10, 2022, null and void, with the

immediate recognition of the valid membership of all 47 allegedly expelled individuals, and to set the date of the Special Convention to be published within five (5) days of this letter.

1. The meeting was "illegal," and all decisions made were thus void ab initio as the chairwoman was disqualified by law from that position and no chair pro tem was ever appointed

Whether or not we enjoy this idea as Libertarians, the laws of the land are superior to our governing documents and parliamentary authority and general parliamentary law also presumes this basic fact. And since this particular law is intended to protect members from fraud and misuse of authority in an unequal power relationship, it can be argued to have at least a minarchist justification. A meeting must be validly called and chaired, and since the Chairwoman was disqualified (even prohibited) by law from serving as Chair of the LAMA there was no valid meeting, and all actions taken therein are as if they never happened. It is deeply disturbing that Chairwoman Shade exposed the LAMA to this potential legal liability with impunity and instead of resigning on the spot the minute this was brought to her attention, she instead made her resignation effective at midnight on the night she wrote the potentially defamatory letter.

2. Two of the members of the State Committee were ineligible for said Committee and thus, even if the expulsion action was in order, the 2/3 vote was not achieved

As stated above, Chairwoman Shade was not eligible to serve as Chair and an additional member of the State Committee was not a Massachusetts resident for the past approximately six months and thus also ineligible for the State Committee bringing the entire State Committee membership to seven. A 2/3 vote of the seven eligible members would be five. Out of the six affirmative votes, only four were eligible to serve on the State Committee and thus the 2/3 required vote was not achieved.

3. The State Committee violated member rights by refusing to set the Special Convention on the pretext that the agenda violated the Constitution and/or Bylaws.

The LAMA Constitution provides in Article II.5 the following (emphasis added):

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 Constitution says this **MUST** happen upon the submission of the petition. It gives no authority to invalidate upon the grounds that the agenda is out of order. In fact, if the agenda is out of order, that is a decision that **MUST** be rendered at the Call to Order of the Special Convention so that it can be appealed by the people who have the authority to do so; *i.e.*, the

members in convention. Despite former Chairwoman Shade's prior assertions, the DRO and general parliamentary law do allow appeals from her decisions. The Board is NOT the ultimate interpreter of the Constitution. The members are. The State Committee violated their rights by not giving them the opportunity to decide this issue themselves. Further, the agenda does not violate the governing documents as they do not prohibit elections at special conventions and nothing in the agenda is attempting to prevent the elections of the State Committee at the Regular Convention in the ordinary case of business nor does it prohibit the members at the special convention from choosing to affirm the election of the current State Committee by re-electing them.

This right to a special convention is rendered toothless if it is claimed, absent a specific Bylaws or Constitution provision, that a recall election is not allowed since it is obvious that the main reason for having a right to call a special convention is specifically to address member dissatisfaction with a State Committee to the extent that they feel they have to take matters into their own hands. By unilaterally rejecting the petition (and then expelling the petitioners!) on the grounds that they may replace the State Committee merely proves that they had good reason to be dissatisfied and concerned enough to take such a drastic action.

4. The State Committee grossly violated the basic principles of Libertarian justice by expelling members in secret, without notice, and without an opportunity for their defense.

While the Bylaws do provide the authority to expel a member for cause, there is no warrant for a mass expulsion for merely signing a petition to exercise a right that the Constitution gives them. There is no warrant for a mass expulsion at all, and that is completely repugnant to the Libertarian principle of individualism. Signing a petition is not in any reasonable universe cause for expulsion; it certainly gives the appearance of gross retaliation for exercising a right, one that threatened titles and positions. Additionally, this alleged "misconduct" did not occur at a State Committee meeting and thus is not governed by DRO but by custom (RONR) and general parliamentary law. RONR (12th Ed.) 61:22 details the rules governing expulsion for offenses that occur outside of a meeting:

Offenses Elsewhere Than in a Meeting; Trials

If improper conduct by a member of a society occurs elsewhere than at a meeting, the members generally have no first-hand knowledge of the case. Therefore, if disciplinary action is to be taken, charges must be preferred and a formal trial held before the assembly of the society, or before a committee—standing or special—which is then required to report its findings and recommendations to the assembly for action. In addition, even when improper conduct occurs at a meeting, in order for disciplinary action to be taken *other than promptly after the breach occurs*, charges must be preferred and a formal trial held. However, the only way in which a member may be disciplined for words spoken in debate is through the procedure described in 61:10–18, which may be employed only promptly after the breach occurs. In some societies

(depending on particular provisions of the bylaws, as explained in 62), the same steps must also be employed if an officer of the society is to be removed from office. The procedures governing all such cases are described in detail in 63.

The State Committee quite obviously did not employ this procedure and instead never notified the subject members that they were being considered for expulsion, never gave individual evidence for valid cause for suspension, and never gave individual opportunity for defense at a minimum. Additionally, there is zero authority for mass expulsions, and even if all the due process protocols were followed, there must have been individual motions for each expulsion instead of a collectivist mass expulsion for thought crime (Bylaws Article I.3).

It is also noted that two of the expelled members were members of the State Committee which have these rights explicitly spelled out in the Constitution (Article IV. 10).

Please consider this letter a demand for the immediate reinstatement of ALL of the signatories and the setting of the special convention within five (5) days of this letter.

Caryn Ann Harlos

A.10 LAMA Special Convention minutes

- A.10.1 Facsimile of minutes of LAMA Special Convention on February 12 (over Zoom)**

Libertarian Association of Massachusetts
Minutes of the Special Convention of February 12th, 2022

Minutes of the February 12th 2022 Special Convention of the Libertarian Association of Massachusetts.

The meeting was held in electronically via ZOOM at 2:00 PM Eastern Time on Saturday, February 12th, 2022, as described in the call for the meeting sent to the members via direct email, social media accounts, and other means.

Members in attendance: Jason Brand, Nathan Brand, Joshua Bromage, Brianna Clancy, Andrew Cordio, David Coelho, Justin Costa, Adam Crary, Michael Dalgleish, John Dixon, Patrick Douglas, Thomas Eddlem, Chris Elam, Brodi Elwood, Pat Ford, Daniel Garrity, Don Graham, Justice Graves, Scott Gray, La'Tisha Greene, Janel Holmes, Charlie Larkin, Luke Letter, Kenneth Luu, Paul Lynch, Aaron Morse, Jacob Nemchenok, James Parent, John Pazinokas, Stephanie Pazniokas, Ted Petingell, David Redding, Josh Richard, Joseph Stivaletta, Thom Sylvia, Christopher Thrasher, Kristopher Wilson, Erik Yankowski, and Brian Zakrajsek.

Also present: Masha Ksendzova, George Phillies

The meeting was called to order by Charlie Larkin.

Upon motion duly made, seconded, and amended:

Move: To schedule a meeting for Saturday, February 26th 2022 at 2:00 PM at The Electric Haze in Worcester.

Move: To amend the motion to schedule a meeting for Saturday, February 26th 2022 at 10:00 AM at The Electric Haze in Worcester. PASSED ^{1 2}

MOTION: PASSED as amended

Discussed: Reasons to not adjourn without electing a State Committee

Upon motion duly made, seconded:

MOVE: To appoint a Chair Pro Tem for the next meeting, with the authority to change venue or time of the meeting if needed.

Libertarian Association of Massachusetts
Minutes of the Special Convention of February 12th, 2022

MOTION PASSED

Upon motion duly made, seconded:

Motion: To name Jason Brand as Chairman Pro tem by Acclamation

MOTION PASSED

Upon motion duly made and seconded, a motion to adjourn was presented and PASSED

Note: From the discussion, it was clear that the motion was to adjourn until the meeting of February 26th

ADJOURNED

A True Record

Attest:



Scott David Gray, Secretary
February 12th, 2022

- 1 From the discussion and proceedings, it is clear that the motion was made in order to continue the rest of the Special Convention business at the scheduled meeting.
- 2 Per the discussion, many reasons were given to postpone the business until an in-person meeting after two weeks; to permit face-to-face meetings with people who are interested in serving on a State Committee if a new one is elected, to leave time if the Affiliates manage to come to terms with the remaining rump State Committee, and to leave more time to gather more membership lists and addresses of Party Members to make credentialing easier.

A.10.2 Facsimile of minutes of LAMA Special Convention on February 26

Libertarian Association of Massachusetts
Minutes of the Special Convention of February 26th, 2022

Minutes of the February 26th 2022 Special Convention of the Libertarian Association of Massachusetts.

Pursuant to call and notice duly given, the meeting was held at the Electric Haze, 26 Millbury Street, Worcester, MA, at 10:00 AM Eastern Time on Saturday, February 26th, 2022. An agenda, named The Agenda of the Special Meeting of the Libertarian Association of Massachusetts, from the petition that called this meeting, which began on the 12th of February 2022, and adjourned until reconvened on February 26th 2022, is attached to these minutes.

Members in attendance: Jason Brand, David Burnham, Bryanna Clancy, Andrew Cordio, Justin Costa, Adam Crary, Michael Dagleish, John Dixson, Patrick Douglas, Chris Elam, Thomas Eddlem, Brodi Elwood, Daniel Garrity, Pat Garrity, Justice JH Graves, Scott David Gray, Janel Holmes, Charlie Larkin, Luke Letter, Kenneth Luu, Paul Lynch, Jacob Nemchenok, Connor O'Brien, James Parent, John Pazniokas, Stephanie Pazniokas, Ted Petingell, Josh Richard, Thom Sylvia, Kim Sullivan, Ryan Sullivan, Kris Wilson, Erik Yankowsky, and Brian Zakrajsex

Also present: Pat Ford, Masha Ksendzova, Neil Roy, and one more guest who wished to retain anonymity.

The meeting was called to order by Charlie Larkin.

Corrections to the minutes of the February 12th meeting were made on the floor.

Upon motion duly made and seconded

The corrected minutes of the February 12th meeting were APPROVED.

The next order of business was a motion in the agenda to set the number of seats on the State Committee.

MOVE: To set the number of seats on the State Committee at nine. PASSED

Libertarian Association of Massachusetts
Minutes of the Special Convention of February 26th, 2022

Nominations were then open. The following nominations were duly made and seconded:

NOMINATED: Jason brand, David Burnham, Andrew Cordio, Thomas Eddlem, Brodi Elwood, Daniel Garrity, Scott Gray, Janel Holmes, and Charlie Larkin.

Upon motion duly made and seconded,

Nominations were CLOSED.

There was debate and discussion of the candidates.

Upon motion was duly made and seconded:

MOVE: To declare the slate of nominees elected by unanimous consent. UNANIMOUS
CONSENT GIVEN

Upon motion duly made and seconded, a motion to adjourn was presented and PASSED

ADJOURNED

A True Record

Attest:



Scott David Gray, Secretary

February 26th, 2022

The Agenda of the Special Meeting of the Libertarian Association of Massachusetts, from the petition that called this meeting, which began on the 12th of February 2022, and adjourned until reconvened on February 26th 2022:

SPECIAL ORDERS:

Move:

That the following Special Order is adopted for this meeting, if held in an electronic forum:

In order to retain the ability to rise on a point of order a side-by-side chat will be maintained, to which all members may post or reply.

MOTION TO SET THE NUMBER OF SEATS ON THE STATE COMMITTEE:

Move:

To set the number of seats on the State Committee at nine.

NOTE: This is the maximum number of seats to be elected at a regular meeting, and the number who were elected at the last regular meeting of the Association.

ELECTION OF A NEW STATE COMMITTEE:

NOMINATIONS OPEN FROM THE FLOOR.

NOTE: As provided for in Article IV, Section 5, of the Constitution, all of the current members of the State Committee will hold office until the adjournment of this meeting.

DRAFT MINUTES from February 12, 2022

Minutes of the February 12th 2022 Special Convention of the Libertarian Association of Massachusetts.

The meeting was held electronically via ZOOM at 2:00 PM Eastern Time on Saturday, February 12th, 2022, as described in the call for the meeting sent to the members via direct email, social media accounts, and other means.

Members in attendance: Jason Brand, Nathan Brand, Joshua Bromage, Brianna Clancy, Andrew Cordio, David Coelho, Justin Costa, Adam Crary, Michael Dalgleish, John Dixon, Patrick Douglas, Thomas Eddlem, Chris Elam, Brodi Elwood, Pat Ford, Daniel Garrity, Don Graham, Justice Graves, Scott Gray, La'Tisha Greene, Janel Holmes, Charlie Larkin, Luke Letter, Kenneth Luu, Paul Lynch, Aaron Morse, Jacob Nemchenok, Connor O'Brien, James Parent, John Pazinokas, Stephanie Pazniokas, Ted Petingell, David Redding, Josh Richard, Joseph Stivaletta, Thom Sylvia, Christopher Thrasher, Kristopher Wilson, Erik Yankowski, and Brian Zakrajsek.

Also present: Masha Ksendzova, George Phillies

The meeting was called to order by Charlie Larkin.

Upon motion duly made, seconded, and amended:

Move: To schedule a meeting for Saturday, February 26th 2022 at 2:00 PM at The Electric Haze in Worcester.

Move: To amend the motion to schedule a meeting for Saturday, February 26th 2022 at 10:00 AM at The Electric Haze in Worcester. PASSED ^{1 2}

MOTION: PASSED as amended

Discussed: Reasons to not adjourn without electing a State Committee

Upon motion duly made, seconded:

MOVE: To appoint a Chair Pro Tem for the next meeting, with the authority to change venue or time of the meeting if needed.

MOTION PASSED

Upon motion duly made, seconded:

Motion: To name Jason Brand as Chairman Pro tem by Acclamation

MOTION PASSED

Upon motion duly made and seconded, a motion to adjourn was presented and PASSED

Note: From the discussion, it was clear that the motion was to adjourn until the meeting of February 26th

ADJOURNED

-
- 1 From the discussion and proceedings, it is clear that the motion was made in order to continue the rest of the Special Convention business at the scheduled meeting.
 - 2 Per the discussion, many reasons were given to postpone the business until an in-person meeting after two weeks; to permit face-to-face meetings with people who are interested in serving on an State Committee if a new one is elected, to leave time if the Affiliates manage to come to terms with the remaining rump State Committee, and to leave more time to gather more membership lists and addresses of Party Members to make credentialing easier.

A.11 Interim LAMA State Committee minutes

A.11.1 Facsimile of interim LAMA State Committee meeting on March 2, 2022

Libertarian Association of Massachusetts, State Committee Meeting, March 2nd, 2022

Page 1 of 3

Minutes of the Libertarian Association of Massachusetts state committee Meeting, from March 2nd, 2022.

The meeting was held electronically via ZOOM at 8:00 PM Eastern Time on Wednesday, March 2nd, 2022, as described in the call for the meeting sent to the committee members via direct email.

state committee members present: Jason Brand, David Burnham, Andrew Cordio, Thomas Eddlem, Brodi Elwood, Daniel Garrity, Scott David Gray, Janel Holmes, and Charlie Larkin.

Also present: Mike Brigham, Patrick Douglas, Ann Reed, Kimberly Sullivan, Brian Zakrajsek

Called to order by Brodi Elwood

The following motions were duly made and seconded, and were debated on the floor:

Move: To elect Andrew Cordio Chairman. PASSED

Move: To elect Charlie Larkin Treasurer. PASSED

Move: To elect Scott Gray Recording Secretary. PASSED

Move: To elect Jason Brand Membership Director. PASSED

Move: To elect Janel Holmes Political Director. PASSED

Move: To elect David Burnham, operations Director. PASSED

Move: To elect Tom Eddlem Communications Director. PASSED

Move: To elect Brodi Elwood Technology Director. PASSED

Move: To elect Daniel Garrity Fund-raising Director. PASSED

Move: To elect Charlie Larkin Archivist. PASSED

Upon motion duly made and seconded

The minutes for the Special Convention of February 26th, 2022, were APPROVED.

The following motion was duly made and seconded, and was debated on the floor:

Move: To accept the Pioneer Valley Libertarian Party as an affiliate of LAMA. PASSED

Libertarian Association of Massachusetts, State Committee Meeting, March 2nd, 2022

Page 2 of 3

The following motion was duly made and seconded, and was debated on the floor:

Move: To create a Committee of the Whole, chaired by Jason Brand, with the authority to determine the location, date, and time for our regular convention. PASSED

The following motion was duly made and seconded, and was debated on the floor:

Move: That in light of the lack of due process or cause, we vacate the motion to expel Masha Ksendzova, PASSED UNANIMOUSLY

The following motion was duly made and seconded, and was debated on the floor:

Move: To adopt the attached statement (appendix 1) as the position of the State Committee. PASSED

The following motion was duly made and seconded, and was debated on the floor:

Move: to authorize the Treasurer to make financial arrangements with banks and other institutions, as needed. PASSED

The following motion was duly made and seconded, and was debated on the floor:

Move: Schedule next meeting for March 16th 8:00 PM, PASSED

Upon motion duly made and seconded, a motion to adjourn was presented and PASSED

ADJOURNED

A True Record

Attest:



Scott David Gray, Secretary

March 2nd, 2022

Libertarian Association of Massachusetts, State Committee Meeting, March 2nd, 2022

Page 3 of 3

APPENDIX I

Statement by State Committee of the Libertarian Association of Massachusetts

LAMA has a new interim State Committee, elected at the Special Convention of February 12th and 26th, 2022. The new committee will serve only a very short time -- only until the next regular convention in April, and the new State Committee is working to arrange that convention.

The interim State Committee will be faithful stewards until that convention. We expect to restore confidence that LAMA is a party for all in Massachusetts who love liberty; we expect to vacate the Code of Conduct passed by the last State Committee; we expect to plan a welcoming and unsegregated convention for the membership with entertaining speakers; we expect to present a real platform to be debated and amended by the members at the regular convention; and we expect to present motions to the membership for organizational changes that will clarify and modernize the Bylaws, and that make plain that LAMA is the members, while the State Committee is only there as a steward for those members.

We plan to plunge forward in support of liberty and in opposition to tyranny, with a focus on the COVID regime, the Military-Industrial-Surveillance Complex, the welfare state, corporate cronyism and the threat of rising currency inflation to the poor and middle classes.

We will continue to push forward the single issue coalitions that the affiliates have already started, such as Defend the Guard, opposition to mask and vax mandates, and other areas of crossover interest. We will use our shared goals on these issues to bring more Democrats, Republicans and independents into the party, getting them working on and excited about libertarian issues.

We ask the Libertarian National Committee members, individually and as spokespeople for the National party, to use their influence to smooth the transition of officers after considerable rancor preceding this last State Committee election. We also ask the Committee to share information that they have about present and past Libertarian Party membership in Massachusetts with us, so that it is easier to bring lapsed members back to the cause of liberty.

We want LAMA to be an actual force for liberty, not just a bumper sticker. If you do too, then this State Committee is here to work with you.

Andrew Cordio, Chairman
Charlie Larkin, Treasurer
Jason Brand
David Burnham
Thomas R. Eddlem
Brodi Elwood
Dan Garrity
Scott David Gray
Janel Holmes
Unanimously adopted March 2, 2022

A.11.2 Facsimile of interim LAMA State Committee meeting on April 20, 2022

Libertarian Association of Massachusetts, State Committee Meeting, April 20th, 2022

Page 1 of 1

Minutes of the Libertarian Association of Massachusetts state committee Meeting, from April 20th, 2022.

The meeting was held electronically via ZOOM at 8:00 PM Eastern Time on Wednesday, April 20th, 2022, as described in the call for the meeting sent to the committee members via direct email.

state committee members present: Jason Brand, Dave Burnham, Andrew Cordio, Thomas Eddlem, Brodi Elwood, Dan Garrity, Scott Gray, Janel Holmes, and Charlie Larkin.

Also present: Aimee Brigham, Mike Brigham, Patrick Douglas, and Ann Reed.

Called to order by Andrew Cordio.

Upon motion duly made and seconded

The minutes for the State Committee Meeting of April 6th, 2022, were APPROVED.

Andrew presented about the region eight agreement.

Upon motion duly made and seconded

The State Committee endorses the Region Eight agreement, and asks Andrew to sign for LAMA.
APPROVED.

Brodi presented about our appeals at the JC.

Charlie presented about getting an EIN number and setting up bank accounts.

Scott presented about balloting at the coming regular convention.

Upon motion duly made and seconded, a motion to adjourn was presented and PASSED

ADJOURNED

A True Record

Attest:



Scott David Gray, Secretary

April 20th, 2022

Agreement of Voluntary Association of States for Regional Representation to The Libertarian National Committee.

This Agreement, once signed, shall serve to bind the participating affiliate parties into a Representative Region for the purpose of representation to the Libertarian National Committee(LNC). The Following terms shall constitute the total agreement, and shall outline the process and procedures for the selection of representatives to the National Committee to serve on behalf of the Region. The Numbered identity of the Region shall be determined by the Secretary of the LNC following the submission and acceptance of all regional agreements during the 2022 National Convention process. The states invited to participate in, and reconstitute their existing regional agreement are those who were party to the 2020-2022 "LNC Region 8." (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.)

The following terms shall govern the selection of regional representation to the LNC:

1. The Delegates of the Region 8 states shall elect via an electronic vote, no later than the first saturday following the conclusion of business of the first sitting of the 2022 Libertarian National Convention, both a primary representative and an alternate representative to the Libertarian National Committee.
2. The Regional Representative shall be responsible for publishing regular reports to the National Committee detailing the operations and activities of their constituent affiliate parties, as well as representing the interests of their constituent affiliates during deliberations and votes of the National Committee.
3. The method of electing these representatives shall be separate electronic ballots conducted via OpaVote, and determined by ranked choice voting (RCV). The Election for Alternate shall not begin until the conclusion of the election of the Primary Representative. Once a ballot has been started, each Delegate shall have 48 hours to vote, via a secure link they will receive via email.
4. Primary Representative, and Alternate Representative, to accommodate the greatest representation among the state Parties, shall be residents of different states.
5. The State Chairs shall provide the incumbent Regional Representative (Rich Bowen, NJ) with an updated and accurate list of email addresses for all Delegates to participate in this election. The incumbent Representative shall be responsible for the administration and reporting of the election results.

6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
8. A vacancy in the position of the Primary Representative shall be filled by the promotion of the Alternate Representative to Primary Representative.
9. A Vacancy in the position of Alternate Representative shall be filled by polling the 8 state chairs via approval voting among those candidates nominated from within the region in a manner to be chosen by those chairs.
10. Should a simultaneous vacancy occur in both the Primary and alternate Representatives, the procedures outlined for the replacement of an alternate representative shall be used to fill both positions.
11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: _____
State Chair's Name: _____
State Chair's Signature: _____
Date: _____

A.12 Former State Committee blog posts

- A.12.1 Former LAMA State Committee response to special state convention
(from LAMA blog)

A

How We Got Here



posted by Derek Newhall | 402fp

March 06, 2022

Note: A version of this article was originally written for the LNC meeting scheduled Feb. 6, 2022 inquiring about the status of LAMA (the Libertarian Association of Massachusetts – the legally-recognized Massachusetts state affiliate for the Libertarian Party). Portions of it were also read at the LAMA meeting on Feb. 7, 2022. It has now been edited to remove details specific to that meeting and to add developments since then.

Some background: On Dec. 19, 2021, the LAMA State Committee was presented with a petition signed by some members to call a special convention with the purpose of electing a new State Committee. The petition was found to have no validity since its stated agenda went against the Party's constitution and bylaws. Statements have been made by former [Chairwoman Ashley Shade](#) and our Treasurer Cris Crawford which detail the reasoning behind the invalidity of the petition, so I will not address them here. Every member of the State Committee (that didn't sign the petition) agrees with the reasoning behind denying the petition.

A few weeks later on Jan. 10, 2022 the State Committee voted to expel all the members who signed the petition. Again, the statements by former Chairwoman Ashley Shade and Treasurer Cris Crawford cover the reasoning behind this action, but one of the most cited aspects of the decision is that the petition was organized by a controversial PAC calling themselves the "Mises Caucus" who has stated their goal is "taking over" the Libertarian Party.

An LNC meeting on Feb. 6 was organized to question LAMA and gather information about the petition and expulsion. A follow up meeting was scheduled for Feb. 13, 2022 but this never occurred. This document is an extension of an opening statement that was supposed to be delivered at that second meeting detailing the timeline of events that led up to the situations in question.

--

I have been asked by some people as to how we got here to this series of events and how the Mises Caucus's actions brought this all about.

Near the beginning of September the Massachusetts Mises Caucus Twitter account got in an argument with the Libertarian Party of Texas Twitter account.

LP Texas said:

"The Confederates were evil actually".

The Massachusetts Mises Caucus account then argued against that statement over multiple tweets finally ending with:

"Were the lives of the slaves materially different after their freedom?"

The Massachusetts Mises Caucuses tweets about LP Texas went viral, and various LAMA state committee members were then tagged around social media asking, "what's up with Massachusetts?" Specifically, one of the few elected Libertarians in our state, Wade Hasty (Selectman from Williamstown), publicly called on the LAMA State Committee to address the MA Mises Caucus' tweets.

The LPMA account then tweeted a simple phrase we believe in wholeheartedly and consider it an important component of libertarianism:

"White supremacy and liberty are two unaligned ideologies."

The Massachusetts Mises Caucus Twitter account then responded to our simple statement of principle by using a blatant racial slur to describe the entire state committee.

"Let us clarify that we in no way want to enslave anybody. Especially not the rootless cosmopolitans in LP Massachusetts."

That phrase, "rootless cosmopolitans", for those who may be unfamiliar, is an anti-Jewish slur originating in the Soviet Union. Stalin's final reign of terror was explicitly "anti-cosmopolitan" and specifically targeted Jews.

The MA Mises Caucus then tweeted a picture of a person blowing a dog whistle with the caption "Us. Every day." admitting that their statements are a "dog whistle": a statement designed to appear innocuous to some, but are specifically designed to be heard and understood by racists.

They then began a campaign where the Massachusetts Mises Caucus's Twitter actively engaged with every account who either responded approvingly to their tweets or negatively to our's condemning racism, telling them to join them and help take over the Libertarian Party.

All of this was shared and retweeted by a member of the state party with some extra inflammatory language added. When that member was confronted, she said she had no intention of stopping and would do it all again. A vote for her expulsion was proposed by a member of the State Committee and she was expelled from the party by a vote of 8-1 in favor.

A certain subset of membership wasn't happy that the State Committee booted a member, even one who was very publicly disruptive both on social media and in official LAMA meetings and channels. So one of the State Committee members proposed a code of conduct that would lay out the conditions by which a member could be expelled.

Well, turns out, they really didn't like that either. There were a few open state committee meetings where everyone gave their input, and after much deliberation, a vastly gutted code of conduct was passed instead of the original proposal.

Then a couple weeks later, the petition was submitted to the State Committee. This petition was a call for a convention with the intention of replacing the existing State Committee. The petition was found invalid by our then chair, Ashley Shade, as documented in her statement to the LNC. The short version is that State Committee members can only be elected at regularly scheduled conventions and since the agenda for the petition did not include an item for amending the constitution to allow a special convention to elect a new State Committee instead, it has no valid agenda and therefore is invalid as a whole.

The petition was clearly led by the Mises Caucus, for it was submitted to the State Committee by the people listed on the Mises Caucus website as being their state coordinators, and the first name of every page was a known member of this "caucus".

Some of the State Committee members thought that this was the final straw at trying to undermine the work we do, and so proposed a motion for all petitioners to be expelled from the Libertarian Association of Massachusetts and their dues refunded. This vote then passed by a vote of 6 yeses, 1 no, and 2 non-responses (presumably due to technical difficulties on the call).

That's how we got here.

Now, for some clarifications to all that:

Do we believe everyone who signed the petition is a member/supporter of the Mises Caucus or a racist? Clearly not. From our phone interviews with some of them after the fact, some had no idea what was going on. Additionally, a couple of the signers are

people we have worked with in the past and respected and find it very regrettable they got caught up in this.

However, the argument presented before the State Committee was that even if the signers were ill-informed participants, they still engaged in an action specifically designed to harm the party through ejecting the State Committee so as to help the Massachusetts Mises Caucus recruit racists.

To put it in a shorter form:

Do I believe that every member of the Mises Caucus of Massachusetts is racist? I have no idea, but it's possible they are not.

Do I believe that members of the Mises Caucus of Massachusetts were using racism as a recruiting tool? Yes. Obviously, because there is clear public evidence of them doing so.

--

Since all the above was written a few new developments have occurred.

On Feb. 7, 2022 the State Committee had a meeting with members where the most prominent agenda item was what to do going forward from all of this. A proposal resolution was given to us from the Worcester County local affiliate asking for negotiations between the petitioners and the LAMA State Committee. The discussion got heated at times, but at the end of it, the State Committee voted to endorse and approve the proposal and a neutral third party was proposed.

The State Committee then selected two members to lead our "delegation" for the negotiations. However, when our negotiators contacted them on Feb. 10, we were told that they have now rejected the proposal and will no longer talk to us.

This now brings everyone up to date.

--

In summation, here is a short version of the above sequence of events

- The Mises Caucus was racist on Twitter
- A member was expelled for antagonizing the State Committee using Mises Caucus material
- A code of conduct was proposed to make the criteria for expulsion explicit
- In response, a Mises Caucus-organized petition was submitted to replace the State Committee
- The petition was ruled invalid and members who signed the petition were expelled
- A plan for potential reconciliation was later proposed and agreed to
- ...and the petitioners then rejected it

All of the above is publicly verifiable with some effort. Additionally, the State Committee has screenshots and documentation of everything mentioned above.

We all hope this clears up what's been going on.

Do you like this post?

•



A.12.2 Former LAMA State Committee attempts to defame allegedly expelled members and announces bussing campaign (from LAMA blog)

lpmass.org

Kevin Reed Takes a Stand for Liberty

posted by Libertarian Party of Massachusetts | 893.80fp March 22, 2022

4-5 minutes

Kevin Reed, Libertarian entrepreneur, has formed an exploratory committee for a possible run for Governor. He announced last week that he will be transporting delegates to the state convention as "an act of defiance against subversive attacks to state parties throughout the country." Read his statement:

GET ON THE BUS! LIBERTY CAN'T WAIT

Gubernatorial Candidate Takes a Stand for Liberty by Hosting Freedom Rides to State Convention

Boston, MA, March 19, 2022 - Kevin Reed, the Libertarian candidate for Governor of the state of Massachusetts, is hosting a Freedom Ride across the commonwealth to the Libertarian Association of Massachusetts (LAMA) state convention. The candidate is transporting members that register for membership to the Libertarian Party in the state regardless of party affiliation by 11:59 pm March 23rd as an act of defiance against subversive attacks to state parties throughout the country.

The Mises Caucus has conducted acts of subversion on state party committees of the Libertarian party by voting long-serving party members out to leave seats vacant and nullify candidates in

an attempt to ward off ballot access. The assumption is that this may be a coordinated attack to keep Libertarians off the ballot as retaliation for the 1.2% of votes that went to the party's candidate Jo Jorgensen. There is an assumption that these votes could have been the difference maker to help President Trump in the 2020 elections. This assault is an attempt to assure the party will not be a spoiler again.

After watching the events that hijacked and upended the candidates and committees in the states of Colorado, Nevada, California, and Pennsylvania; Kevin Reed is deciding to work with the party and build a defensive wall by busing in delegates to participate in the state convention. Alongside making contact with registered Libertarians in the state, he has green-lighted a campaign documentary.

"We can not be the vanguards of liberty if we can not defend ourselves from the freedom to organize and to conduct peaceful exchanges of ideas," the candidate said. "We as Libertarians have a right to be heard, and not subverted, not circumvented or ostracized. We have a right to articulate our ideas as solutions to the problem of this state. While I am disturbed by the events conducted in other states, I am not now, or ever, as a resident of Massachusetts, going to allow this state to be run over. This is the home of both the American and American Industrial revolutions. While conceived under candlelight in a Philadelphia meeting hall, this country was born at the corner of State Street and Congress; America has a Boston birth certificate! And the very Constitution that this nation, which sets the standard of being ruled by the rule of law, is molded out the cast set by OUR state constitution. So, if I have to personally get in one of those sprinter vans and drive to each county, town, and city and help bring delegates that

represent the idea that the one place there should be freedom is in the party of freedom, then I will! My heart goes out to members of other states who have endured the subversion of this caucus, but in Massachusetts, the home of liberty, we are not just random Libertarians, but the literal descendants of the Sons of Liberty, and it is in that spirit, I will not roll over to be tread upon."

Kevin Christopher Reed is currently contacting the 17,000 registered members in Massachusetts as well as other third-party groups and organizations to purchase \$30 annual membership of the party and participate in the Massachusetts Freedom Rides and documentary before the March 23rd deadline. If you want more information, please contact Kevin Reed at Kevin_Reed@ReedLegacygroup.com or text him at 857-400-9133.

A.13 State committee response to blog post (from Thomas R. Eddlem's personal blog)

Pity for Derek Newhall

By Thomas R. Eddlem

You can't help but feel just a little bit of pity for Derek Newhall and the #DeathSpiral7 this weekend. It was only on Monday the former LAMA State Committee member Derek Newhall laid out in a [blog post](#) his exceptionally weak evidence that the Massachusetts "Mises Caucus was racist on Twitter."

Then, on Tuesday, fellow former LAMA State Committee member Cris Crawford followed it up with a [blog post](#) saying that "while there are undoubtedly some neo-Nazis in Ukraine," this should not be dispositive from the US supporting the Ukrainians.



posted by CRIS CRAWFORD | 170.60p
March 06, 2022

From a recent Facebook post by Tyler Harris, Executive Director of the National LP:

There is absolutely no reason that anyone — inside the Libertarian movement or outside of it — should carry water for Putin's authoritarian regime as it wages a senseless and needless war of aggression in Ukraine. Those apologists eager to ape Putin's propaganda, to blame Ukraine or NATO or the United States for this invasion, wittingly or unwittingly undermine not only the heroic efforts of Ukrainians to defend themselves and their homes from Russia's aggression, but the efforts of thousands of Russian protestors and demonstrators, including Libertarians within Russia, who are risking their lives and livelihoods by demanding an end to the invasion.

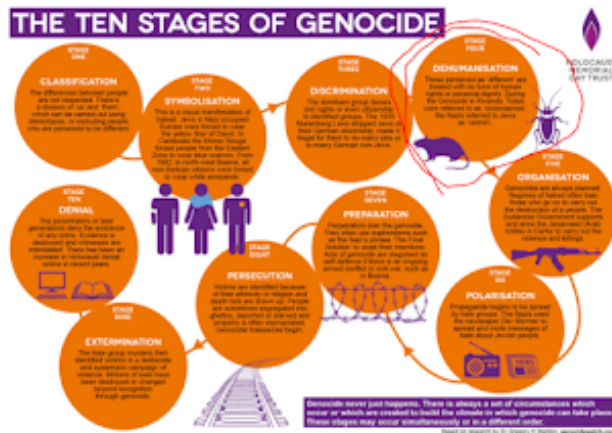
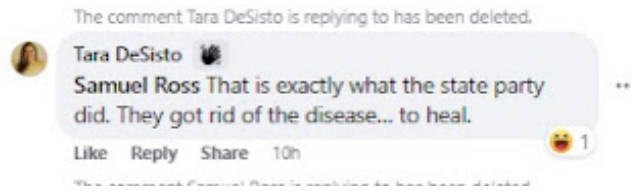
All Libertarians make a pledge to "oppose the initiation of force to achieve political or social goals." There is no question who is initiating force for political purposes by waging war in Ukraine. This should not be a difficult or subtle issue for Libertarians. As always, we stand on the side of peace and in opposition to tyranny and the initiation of force. Those who stand with Putin cannot also stand for Liberty.

"... We recognize the right of all people to resist tyranny and defend themselves and their rights. We condemn the use of force, and especially the use of terrorism, against the innocent, regardless of whether such acts are committed by governments or by political or revolutionary groups."

— Libertarian Party Platform, 3.3 International Affairs

Putin's rationale for his murderous invasion of Ukraine rests heavily on the allegation that the United States is arming neo-Nazis. **While there are undoubtedly some neo-Nazis in Ukraine**, (and also in Russia, elsewhere in Europe, in the United States, and everywhere else), it's incredibly disturbing to see the Libertarian Party of New Hampshire regurgitate Putin's claims in their Facebook statement on the invasion.

And on Thursday, former State Committee member Tara DeSisto engaged in objectively de-humanizing Nazi terminology in a Facebook discussion, saying that "That is exactly what the state party did. They got rid of a disease." Dehumanization is the fourth of the ten stages of any genocide, as I know from teaching about the Holocaust.



And finally on Friday, #DeathSpiral7 die-hard Jeremy Thompson (who goes by “Jeremy Francisco Chandler” on Facebook) deployed a well-known slur against African-Americans in a Facebook discussion (later uploaded to Twitter): “If you want the freedom to be a coon just say that.”



It's almost as if the rest of the #DeathSpiral7 were deliberately trying to sabotage Newhall's blogpost. Keep

in mind that these are the questionable posts from just the five days since Newhall posted his allegations against people he doesn't know on the LAMA blog.

The snarky part of me wants to quip "they are projecting," and then verbally inveigh with a kind of hushed tone that these three outbursts in favor of working with neo-Nazis, employing genocidal language and racial slurs against people of color constitute some kind of insight into their genuine mentality, only that it was a tone moderated by self-censorship to hide an even darker heart of racism.

The problem is, I don't really believe that narrative, even though I could make it credible to most people with a little literary flourish.

Which brings me back to Derek Newhall's claim about the Mises Caucus. Front-and-center in his case was a nearly year-old tweet by a Mises Caucus volunteer organizer who subsequently moved out of state and was not among the #Mass47 which the #DeathSpiral7 voted to expel from the party (He may still be a member in good-standing, for all I know):

"Were the lives of the slaves materially different after their freedom?"

The above was a response to a discussion of the American civil war where the Massachusetts Mises Caucus member saw in the discussion an implication that the Union was blameless in slavery and ignored the failure of early reconstruction with the imposition of the "Black Codes" across the former confederacy, re-enslaving many black people through vagrancy and apprenticeship laws. Thousands of freedmen were being killed by new terrorist organizations like the Ku Klux Klan, White Knights and Red Shirts. Let's face it; Twitter is not properly designed to debate the finer points of the failure to bring justice to freedmen in the 1860s. The comment was not a defense of the confederacy (the person is an anarchist who opposes all government) nor of slavery, as he made clear in his subsequent tweet:

"Let us clarify that we in no way want to enslave anybody. Especially not the rootless cosmopolitans in LP Massachusetts."

So Newhall pounced upon use of the phrase "rootless cosmopolitans" as deliberate employment of a nefarious anti-Semitic trope:

"The Massachusetts Mises Caucus Twitter account then responded to our simple statement of principle by using a blatant racial slur to describe the entire state committee.... That phrase, "rootless cosmopolitans", for those who may be unfamiliar, is an anti-Jewish slur originating in the Soviet Union. Stalin's final reign of terror was explicitly "anti-cosmopolitan" and specifically targeted Jews."

I thought it silly to imply a millennial would be familiar with the minutiae of Stalin sloganeering in the early Cold War-era. That former Mises volunteer coincidentally he wrote an email message to me this week, and I asked him about his use of the phrase "rootless cosmopolitans." His response:

"I came up with the term because I thought the two words accurately described them! Didn't know about the 1950s Soviet context in the original Russian."

In other words, there was another explanation other than the Mises Caucus caucus was employing a Stalinistic attack on Jews, and it was a totally innocent explanation.

Likewise, I think the goofy-missteps by the #DeathSpiral7 this week can be explained mostly by frustration: Cris Crawford's post was not explicitly about supporting the neo-Nazi Azov Battalion in Ukraine, but in opposition to aggressive war. Tara DeSisto's bumble was a result of unprofessional rage in the heat of a testy Facebook discussion. And while there's no excuse for Jeremy Thompson's employment of the term "coon" to describe another person, it was clearly written in a moment of millennial Twitter/Facebook rage and doesn't reveal any deep-seated racism against black people. (He is black himself, after all.)

The above illustrates why a leadership change was necessary, however. The truth is that the #DeathSpiral7 didn't know either the former Mises Caucus organizer who posted those tweets and as a result expelled 47 who didn't write it in reaction to their own misunderstanding. They engaged in reckless and false charges of racism at the very same week they made more credibly racist blunders. They decimated the ranks of the

already moribund Libertarian Association of Massachusetts over a chimerical problem of racism within the membership.

And Derek Newhall mentions one of the reasons I agreed to help the petition process for a special state convention, after a protracted state committee discussion over kicking more people out of the party:

"There were a few open state committee meetings where everyone gave their input, and after much deliberation, a vastly gutted code of conduct was passed instead of the original proposal."

I thought at the time (the December 2021 meeting), this is the third month in a row the state committee meeting was consumed by kicking members out without any discussion of bringing new members in. This is not an organization positioning itself to grow and make a difference in the struggle for liberty.

Of course, Newhall didn't mention the fact that every single member who spoke on the code of conduct spoke in opposition to it. Nor did he mention that this same state committee voted down a code of conduct that would have given the state committee the power to mass expel members – just one month before they voted to mass-expel 47 members in a single vote and with no cause given (other than signing a petition for a special state convention). There's no provision in either the LAMA constitution or by-laws that empowers the state committee to mass expel members. But the #DeathSpiral7 have subsequently asserted that LAMA is not so much a political party but is instead a sort of private yacht club owned by a majority of state committee members to whom the rules don't apply.

Thus, it's not surprising Newhall didn't bother to cite any provision of the LAMA [constitution](#) or [by-laws](#) in the failed suppression of the special state convention, which require the state committee to organize a special state convention for any petition made by members. Moreover, the LAMA constitution explicitly prohibits the state committee from making any changes to the petitioned agenda.

The former state committee officers of LAMA unsuccessfully tried to enclose a circle with a quarter of the membership on the outside. The new state committee, elected at that special state convention February 26 draws a circle big enough to draw in everyone, and welcomes even those former state committee members who would have excluded us.

We have chosen inclusion over exclusion. The era of expulsions is over.

Thomas R. Eddlem is communications director and a member of the state committee of the Libertarian Association of Massachusetts.

A.14 **Reproduction of Rich Bowen's March 30th resolution to recognize the rightful State Committee of LAMA (from [the LNC list](#)).**

I, along with Mr. Ford, are seeking co-sponsors for the following motion regarding the Massachusetts affiliate.

I have attached as an exhibit, a detailed timeline of the ongoing situation in Massachusetts.

RESOLUTION TO RECOGNIZE THE RIGHTFUL STATE COMMITTEE OF THE LIBERTARIAN ASSOCIATION OF MASSACHUSETTS(LAMA)

Whereas, on December 19, 2021, LAMA membership submitted a petition for a special convention to conduct a recall election of the LAMA State Committee;

Whereas, the petition contained greater than the 10% of valid member signatures required for a special convention in accordance with Article 2 Section 5 of the LAMA Constitution;

"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."

Whereas, the petition was submitted with an agenda, as required by the following Constitutional provision;

"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."

Whereas, on January 10, 2022, the response from the State Committee to the properly constituted petition was to expel en masse all petition signatories, in violation of basic member rights, due process, and Article 1 Section 3 of the LAMA bylaws, which allow for expulsion of "a person from membership" (not mass expulsions).

"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."

Whereas, the vote to expel LAMA members was taken during a supposed State Committee meeting that had no agenda, thus denying targeted members notice of any proposed action against them and an opportunity to defend themselves, and the meeting was called to order in closed session, against longstanding custom (their parliamentary authority does not address the topic at all), and contrary to the public notice given;

Whereas, among the wrongfully expelled were two State Committee members who were denied any access to due process, in violation of Article 4 Section 10 of the LAMA Constitution;

"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."

Whereas, a member of that State Committee who has not been a resident of Massachusetts for close to a year, cast their vote for the expulsion, in violation of Article 4 Section 8 and Article 1 Section 1 of the LAMA Constitution;

- *"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."*
- *"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."*

Whereas, two duly elected members of the 2021 LAMA State Committee did organize and conduct the special convention as is required by Article 2 Section 5 of the LAMA Constitution and provided notice to the extent possible given deliberate obstructive actions and omissions by former State Committee members;

Whereas, a new State Committee was elected at that special convention on February 26, 2022, in accordance with the LAMA Bylaws Article 2 and the LAMA Constitution Article 2 and as specified on the submitted agenda, with the positions now filled as follows;

- Andrew Cordio, Chair
- Charlie Larkin, Treasurer & Archivist
- Scott Gray, Recording Secretary
- Jason Brand, Membership Director
- Janel Holmes, Political Director
- David Burnham, Operations Director
- Thomas Eddlem, Communications Director
- Brodi Elwood, Technology Director
- Daniel Garrity, Fundraising Director

Whereas, the newly elected State Committee has set and noticed their annual convention for April 24, 2022, at which time the State Committee for the next term, and national convention delegates, will be elected;

BE IT THEREFORE RESOLVED, that the Libertarian National Committee recognizes the results of election at the special convention and the State Committee elected therein.

--

Rich Bowen
Libertarian National Committee
Region 8 Representative (NJ/NY/CT/RI/MA/VT/NH/ME)
Audit Committee Member
Convention Oversight Committee Member
Chair's Advisory Budget & Operations Committee Member

A.15 Facsimile of minutes of LAMA Regular Convention on April 24

Libertarian Association of Massachusetts
Minutes of the Convention of April 24th, 2022

Minutes of the April 24th 2022 Convention of the Libertarian Association of Massachusetts.

Pursuant to call and notice duly given, the meeting was held at the Hampton Inn Boston/Natick, 319 Speen Street, Natick, MA, at 1:00 PM on Sunday, April 24th, 2022. An agenda available two weeks in advance of the meeting is attached to these minutes.

Members in attendance: Joseph Alphonse, Josh Anderson, David Bedding, Brandi Bishop, Jason Brand, Joshua Bromage, Nathan Brand, David Burnham, Bryanna Clancy, Andrew Cordio, J Costa, V Costa, Patrick Dough, Thomas Eddlem, Chris Elam, Brodi Elwood, Dan Garrity, Pat Garrity, Don Graham, Sherry Graham, Scott Gray, Janel Holmes, Masha Ksendzova, Charlie Larkin, Kenneth Luu, Paul Lynch, Sean McQuilliams, James Parent, John Paniokas, Stephanie Pazniokas, Ann Reed, Ken Roberts, Thom Silvia, Ryan Sullivan, Christopher Thrasher, Kris Wilson, Brian Zakrajsek

Also present: Cynthia Brand, Eric Cordova, Gabrielle Cordova, Daniel Donnelly, Ryan Herbert, Aniko Magyar, Jessica McLaughlin, Terry Reed

The meeting was called to order by Andrew Cordio.

Upon motion duly made and seconded:

MOVE: For special orders of the day, to receive all nominations for SC and for delegates to National first, and close nominations, before moving on to elections for either.

MOTION PASSED

The following nominations for State Committee were received on the floor: Joseph Alphonse, Jason Brand, David Burnham, Andrew Cordio, Thomas Eddlem, Brodi Elwood, Daniel Garrity, Scott David Gray, Janel Holmes, and Ann Reed.

Upon motion duly made and seconded, nominations were CLOSED.

The following nominations for delegates were received on the floor: Josh Anderson, Jason Brand, Nathan Brand, Andrew Cordio, Patrick Douglas, Thomas Eddlem, Brodi Elwood, Dan Garrity, Janel Holmes, Charlie Larkin, Jacob Nemochonok, Thomas Silvia, John Pazinokas, Stephanie Pazinokas, David Redding, Christopher Thrasher, and Brian Zakrajsek.

Libertarian Association of Massachusetts
Minutes of the Convention of April 24th, 2022

Upon motion duly made and seconded, nominations were CLOSED.

Upon motion duly made and seconded, the meeting was recessed until the Secretary returned from printing ballots. PASSED

The meeting was reconvened after forty minutes elapsed.

Nominees to the State Committee were each given two minutes to speak to their candidacy.

Ballots for State Committee were distributed.

Upon motion duly made and seconded:

MOVE: to suspend the rules and close balloting early, as all ballots had been filled out and returned.

MOTION PASSED

The convention moved on to debate delegates to the national Libertarian convention.

Ballots for delegates to the national convention were distributed.

Upon motion duly made and seconded:

MOVE: to suspend the rules and close balloting early, as all ballots had been filled out and returned.

MOTION PASSED

The following persons were ELECTED to State Committee, by ballot: Jason Brand, David Burnham, Andrew Cordio, Thomas Eddlem, Brodi Elwood, Daniel Garrity, Scott David Gray, Janel Holmes, and Ann Reed.

The following persons, who are not already eligible to serve by virtue of election to the State Committee, were ELECTED to serve as national delegates, by ballot, in order from highest count of yes votes to lowest: Charlie Larkin, John Pazinokas, Stephanie Pazinokas, Josh Anderson, Patrick Douglas, Thomas Silvia, David Redding, Brian Zakrajsek, Nathan Brand, Jacob Nemchonok, Christopher Thrasher.

Upon motion duly made and presented in the agenda, the following motion was considered:

Libertarian Association of Massachusetts
Minutes of the Convention of April 24th, 2022

MOVE: To recognize Roberts Rules of Order Newly Revised as the Parliamentary Authority for the Libertarian Association of Massachusetts.

MOTION PASSED

Upon motion duly made and presented in the agenda, the following motion was considered:

MOVE: To vacate the most recent bylaw changes made by the former state committee, regarding Article VIII; sub-affiliates, and revert to the original numbering and text as follows:

1. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws.

2. Membership

All subsequent members of a sub-affiliate who qualify for membership in LAMA according to LAMA requirements shall be deemed members of LAMA unless they opt out.

3. Revocation

The State Committee may revoke the charter of a sub-affiliate for cause by 3/4 vote of State Committee members at a State Committee meeting.

MOTION PASSED

The meeting moved on to other business.

Upon motion duly made and seconded:

MOVE: To amend the Bylaws so that no person who is employed or contracted by the Libertarian National Committee may under any circumstances serve as a voting member of the State Committee.

An amendment to change the motion by adding the words "or their spouse" after the words "Libertarian National Committee" FAILED.

Upon motion duly made and seconded, it was VOTED BY SUPER-MAJORITY to suspend the rules to consider the main motion immediately.

Libertarian Association of Massachusetts
Minutes of the Convention of April 24th, 2022

The main motion PASSED

Upon motion duly made and seconded:

MOVE: To instruct the State Committee to review and offer amendments to the founding documents, in open meeting, to present to the next regular convention.

Upon motion duly made and seconded, it was VOTED BY SUPER-MAJORITY to suspend the rules to consider the main motion immediately.

The main motion PASSED

There being no other business to come before the meeting, and upon motion duly made and seconded, the meeting was ADJOURNED.

A True Record

Attest:



Scott David Gray, Secretary
April 24th, 2022

Libertarian Association of Massachusetts, Agenda for the Convention of April 24th, 2022

**Agenda for the April 24th 2022 Convention of the Libertarian
Association of Massachusetts, business meeting**

1:00 PM, at the Hampton Inn Boston/Natick, 319 Speen Street, Natick, MA

Election of the State Committee:

Up to nine members may be elected to the State Committee.

Nominations are open from the floor.

Appointing Delegates to serve at the National Convention:

There are twenty delegates to be sent total, and up to fifty alternates. The members of the State Committee that are elected at this meeting have the *right of first refusal* to be sent as delegates.

Nominations are open from the floor.

**A motion Concerning the Parliamentary Authority for the Libertarian Association of
Massachusetts:**

MOVE: To recognize Roberts Rules of Order Newly Revised as the Parliamentary Authority for the Libertarian Association of Massachusetts.

– The State Committee

A motion to vacate a change to the By-Laws, passed by the 2021-2022 State Committee:

MOVE: To vacate the most recent bylaw changes made by the former state committee, regarding Article VIII; sub-affiliates, and revert to the original numbering and text as follows:

I. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall

Libertarian Association of Massachusetts, Agenda for the Convention of April 24th, 2022

not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws.

2. Membership

All subsequent members of a sub-affiliate who qualify for membership in LAMA according to LAMA requirements shall be deemed members of LAMA unless they opt out.

3. Revocation

The State Committee may revoke the charter of a sub-affiliate for cause by 3/4 vote of State Committee members at a State Committee meeting.

– Dan Garrity

Note: This would eliminate the requirements of notification to the SC one week prior to the affiliate's meeting and submission of meeting minutes to the SC, preserving affiliate autonomy. The text to be replaced reads:

1. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws. There must be a minimum of three meetings before the affiliate shall be recognized by LAMA.

2. Meetings

Meetings of LAMA sub-affiliates are open to all members of LAMA. The date, time and location of meetings shall be submitted to the state committee for posting on the lpmass.org calendar at least one week in advance. Meeting minutes shall be submitted to the state committee for publication on the member area of the LAMA web site within one week after a meeting. If a sub-affiliate has no meetings for a three-month period, it will be considered to be disbanded. A sub-affiliate can be reinstated after it holds a regular meeting by a majority vote of the state committee.

Other Business:

Libertarian Association of Massachusetts Election Ballot for State Committee 2022-2023

April 24, 2022

Please mark your ballot carefully. Ballots containing errors or erasures will be void. The vote on a particular candidate will be recorded as an abstention, if it is not clear whether it is a 'yes' or 'no' vote. If you have a problem with your ballot, return it to the Recording Secretary and get a replacement ballot.

<u>Nominee</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Joseph Alphonse	[]	[]	[]
Jason Brand	[]	[]	[]
David Burnham	[]	[]	[]
Andrew Cordio	[]	[]	[]
Thomas Eddlem	[]	[]	[]
Brodie Elwood	[]	[]	[]
Daniel Garrity	[]	[]	[]
Scott David Gray	[]	[]	[]
Janel Holmes	[]	[]	[]
Ann Reed	[]	[]	[]

A.16 Appeals to the Judicial Committee

- A.16.1 Facsimile of the member appeal to the Judicial Committee, submitted by Andrew Cordio on April 3**

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: April 3, 2022

Petitioners: Andrew Cordio, as Chair of the Libertarian Association of Massachusetts, representing a constructively disaffiliated affiliate and thereby allowed an automatic appeal as per Libertarian Party National Bylaws Article 5.6 and members comprising at least 1% of the national Libertarian Party's Sustaining Members as allowed by Libertarian Party National Bylaws Article 7.12.

Interested Parties: Any persons claiming to be current members of the leadership of the Libertarian Party of Massachusetts and/or the Libertarian Association of Massachusetts including the following State Committee elected at a specially called convention concluding on February 26th, 2022, as follows:

- Andrew Cordio, Chair
- Charlie Larkin, Treasurer & Archivist
- Scott Gray, Recording Secretary
- Jason Brand, Membership Director
- Janel Holmes, Political Director
- David Burnham, Operations Director
- Thomas Eddlem, Communications Director
- Brodi Elwood, Technology Director
- Daniel Garrity, Fundraising Director

And the former State Committee prior to the above election, as follows:

- Ashley Shade(resigned), Chair
- Cris Crawford, Treasurer
- Derek Newhall, Recording Secretary
- Michael Burns, Political Director
- Andrew Moore, Membership Director
- Jeremy Thompson, Operations Director
- Daniel Riek (Acting), Technology Director
- Tara Desisto

Relief Requested: That the LNC hear and decide on the matter of the Resolution submitted by Rich Bowen and co-sponsored by Susan Hogarth, Ken Moellman, Steven Nekhaila, Joshua Smith, and Erik Raudsep as put forth below and supported by the **Notice of Filing Exhibit 1** which was filed separately and can found here: <https://tinyurl.com/MA-Exhibit-1-Timeline>.

Committee Jurisdiction: Libertarian Party National Bylaws Article 8.2(a) and 8.2(d).

Emergency Petition for Appeal

1. Procedural Background and Grounds for Emergency Expedited Hearing

On January 23, 2022, the LNC held an electronic meeting to hear issues surrounding an impending controversy regarding the leadership of the Libertarian Association of Massachusetts (<https://youtu.be/07G9vxsrH8M>). Since no specific motions were noticed, Joshua Smith called for an electronic meeting to take place on February 6, 2022, to take up this issue in the form of the following motion to be considered (the "Smith/Bowen motion"):

WHEREAS, the Libertarian National Committee (LNC) conducted a meeting on January 23, 2022 to gain information and hear from multiple parties in the dispute in its affiliate in Massachusetts, and

WHEREAS, 46 members of the Libertarian Association of Massachusetts (LAMA) exercised their right to petition for a special convention of the members of LAMA, and

WHEREAS, on January 10, 2022 the LAMA state committee expelled every member who signed the petition, and

WHEREAS, the expelled members, along with an invitation to all state members, remain committed to holding a special convention

WHEREAS, the expelled members forwarded a petition to the LNC for relief on January 11, 2022, and

WHEREAS, the LNC has agreed to meet on February 6, 2022 to consider motions for remedies.

IT IS HEREBY RESOLVED, that at the meeting on February 6, 2022, the LNC discuss and consider motions on the following remedies:

- 1. Move that the LNC encourage members of the LAMA State Committee who voted to expel members to rescind the expulsion.*
- 2. Move that the LNC acknowledge the legitimacy of the petition for a special convention and encourage members of the LAMA State Committee to adhere to the petition request and hold the requested special convention.*
- 3. Move that the LNC, in the event the LAMA State Committee refuses to abide by the recommendations above, provide contact information for every Massachusetts national member and resident Libertarian in its*

possession to a designee of the petitioners to provide notice via email for the special convention.

4. Move that the LNC, following the special convention, recognize the results of the elections by the Massachusetts members in attendance.

5. Move that the LNC, in the event the LAMA State Committee refuses to abide by the recommendations above, recommend to its successor to immediately take up consideration of the issues surrounding the expulsion of 47 members as soon as practicable after the adjournment of the 2022 national convention.

On January 30, 2022, Motion 20220130-22 was sponsored by Adams, Bowen, Ebke, Nekhaila, and Raudsep (the "Adams motion") which differed considerably from the Smith/Bowen motion as follows:

Whereas, Leaders of the Libertarian Association of Massachusetts and Libertarian Party of Delaware disenfranchised political opponents primarily for internal political reasons, rather than individual behavior warranting discipline, depriving such individuals of their rights to participate and vote on party affairs; and

Whereas, There is serious doubt that officers and delegates to be chosen by such affiliates will be legitimately selected and representative of the respective affiliate's entire membership; now, therefore, be it

Resolved, That the Libertarian National Committee hereby instructs its appointees to the Credentials Committee of the 2022 National Convention to vote to omit from its report of the initial credentialed list of delegates those individuals sent by the aforementioned affiliates, and report the disputes to the Convention, so that the remaining body of uncontested Convention delegates can decide whether and whom to seat from each respective affiliate; and Further

Resolved, that the LNC Executive Committee is hereby empowered to rescind some or all of this motion, in the event that the aforementioned affiliates timely restore the membership rights of those who were disenfranchised.

The Adams motion failed by a vote of 5-10-0-2. During the pendency of the Adams motion, the required number of LNC members cancelled the electronic meeting

Emergency Petition for Appeal Regarding the Libertarian Association of Massachusetts
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previously called by Joshua Smith and thus the Smith/Bowen motion was never heard. On March 23, 2022, a new resolution (the "Bowen/Ford resolution") was moved by Rich Bowen and fully sponsored that same day by Bowen, Hogarth, Moellman, Nekhaila, Smith, and Raudsep as follows:

**RESOLUTION TO RECOGNIZE THE RIGHTFUL STATE COMMITTEE OF
THE LIBERTARIAN ASSOCIATION OF MASSACHUSETTS(LAMA)**

Whereas, on December 19, 2021, LAMA membership submitted a petition for a special convention to conduct a recall election of the LAMA State Committee;

Whereas, the petition contained greater than the 10% of valid member signatures required for a special convention in accordance with Article 2 Section 5 of the LAMA Constitution;

"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."

Whereas, the petition was submitted with an agenda, as required by the following Constitutional provision;

"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."

Whereas, on January 10, 2022, the response from the State Committee to the properly constituted petition was to expel en masse all petition signatories, in violation of basic member rights, due process, and Article 1 Section 3 of the LAMA bylaws, which allow for expulsion of "a person from membership" (not mass expulsions).

"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."

Whereas, the vote to expel LAMA members was taken during a supposed State Committee meeting that had no agenda, thus denying targeted members notice of any proposed action against them and an opportunity to defend themselves, and the meeting was called to order in closed session, against longstanding custom (their parliamentary authority does not address the topic at all), and contrary to the public notice given;

Whereas, among the wrongfully expelled were two State Committee members who were denied any access to due process, in violation of Article 4 Section 10 of the LAMA Constitution;

Emergency Petition for Appeal Regarding the Libertarian Association of Massachusetts
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"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."

Whereas, a member of that State Committee who has not been a resident of Massachusetts for close to a year, cast their vote for the expulsion, in violation of Article 4 Section 8 and Article 1 Section 1 of the LAMA Constitution;

- *"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."*
- *"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."*

Whereas, two duly elected members of the 2021 LAMA State Committee did organize and conduct the special convention as is required by Article 2 Section 5 of the LAMA Constitution and provided notice to the extent possible given deliberate obstructive actions and omissions by former State Committee members;

Whereas, a new State Committee was elected at that special convention on February 26, 2022, in accordance with the LAMA Bylaws Article 2 and the LAMA Constitution Article 2 and as specified on the submitted agenda, with the positions now filled as follows;

- Andrew Cordio, Chair
- Charlie Larkin, Treasurer & Archivist
- Scott Gray, Recording Secretary
- Jason Brand, Membership Director
- Janel Holmes, Political Director
- David Burnham, Operations Director
- Thomas Eddlem, Communications Director
- Brodi Elwood, Technology Director
- Daniel Garrity, Fundraising Director

Whereas, the newly elected State Committee has set and noticed their annual convention for April 24, 2022, at which time the State Committee for the next term, and national convention delegates, will be elected;

BE IT THEREFORE RESOLVED, that the Libertarian National Committee recognizes the results of election at the special convention and the State Committee elected therein.

Please note that an extensive timeline was submitted along with the Bowen/Ford resolution to support the contentions made filed separately in the **Notice of Filing Exhibit 1** and can found here: <https://tinyurl.com/MA-Exhibit-1-Timeline>.

Emergency Petition for Appeal Regarding the Libertarian Association of Massachusetts
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On March 23, 2022, John Phillips raised a Point of Order claiming that the motion was in violation of the Bylaws of the national Libertarian Party (without specifying a particular bylaw but rather just vague inferences about autonomy and interference). Contrary to the long-standing custom of the LNC in which fully sponsored email ballots proceed onward pending a ruling of the Chair so that time is not wasted and the "clock run out," no ballot was ever started in this matter. On March 24, 2022, the Chair ruled that the Bowen/Ford resolution was Out of Order as violating Article 5.5 of the Bylaws of the national Libertarian Party which was appealed by Joshua Smith for which Ballot 20220325-01 was opened to determine whether or not to sustain the ruling of the Chair. That ballot ended on April 1, 2022 with the Chair's ruling being sustained with a vote count of 9-7-1; thus, leading to this appeal of that decision.

Considering that issues of delegate selection and other convention activities hinge upon the recognition of the rightful chair of the affiliate so that the LNC and credentialing can proceed, it is imperative that any and all delays, intentional or not, cease, and this matter be disposed of with all due haste.

2. Precedent

This Judicial Committee recently made a decision in the case of the Delaware affiliate which is directly on point in this matter. In the Delaware matter, the Judicial Committee found that determination of the rightful chair of an affiliate in the event of a dispute (if such determination was clear and possible) was not an abridgment of the autonomy of an affiliate; it was, in fact, an absolutely necessary task for the LNC to undertake in order to both fulfill its duties and honor the autonomous decisions of an affiliate. Once the LNC is made aware of a credible dispute that has at least some indice of good faith basis, it has an undeniable duty to its affiliate and to the Party at large to undertake such an exercise.

With the facts before the LNC right now, there are two entities both claiming to be the legitimate Libertarian Association of Massachusetts with two different sets of leadership. The LNC has an absolute duty to at least attempt to determine which of them, if any, is correct in order to properly credential delegates at the upcoming convention at a bar minimum, and that such a determination is not in violation of the Bylaws of the national Libertarian Party.

3. Prima Facie Evidence that there is legitimate dispute that must be heard by the LNC and that it is within their jurisdiction

The assertions laid out in the Bowen/Ford resolution along with the supporting timeline and documentation also attached hereto give at least a reasonable basis to support that there is a legitimate dispute that needs to be examined by the LNC to determine if it is possible to come to a clear conclusion about the identity and leadership of its Massachusetts affiliate.

Emergency Petition for Appeal Regarding the Libertarian Association of Massachusetts
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3. Undeniable Jurisdiction

If the LNC is continuing to recognize the incorrect affiliate and leadership by its refusal to examine the facts at hand, there is a constructive disaffiliation of the Massachusetts affiliate, and it would be entitled to an automatic appeal. The Petitioners believe that is the case here. However, in the abundance of caution, the requisite number of signatures of the national Sustaining Membership are also affixed hereto in joinder as an appeal of a decision of the LNC by the membership. The sustainment of a ruling of the Chair is a decision of the LNC as defined by RONR 1:6. The actions of the LNC contravene its duties under the bylaws to recognize its affiliate which require it to interface with its proper leadership as detailed in this Judicial's Committee decision in the recent Delaware appeal. Impacted Bylaws include the entirety of Section 5. If the LNC is giving data, services, directing potential members, directing potential donors, and recognizing lists of delegates submitted by any other than the rightful leadership, it is violating its own duties to its affiliate under the national Libertarian Party Bylaws.

4. Requested Ruling and Relief

That the sustainment of the ruling of the Chair on April 1, 2022 was improper and that the motion put forth by Region 8 Representative Rich Bowen as noted above is in order and must be heard immediately by the Libertarian National Committee at an electronic meeting to be heard within seven (7) days of an Order of the Judicial Committee or via an electronic email ballot to be started within two (2) days of an Order of the Judicial Committee.

A.16.2 Facsimile of the Judicial Committee ruling on the member appeal submitted by Andrew Cordio on April 3

SUMMARY PAGE OF LIBERTARIAN PARTY JUDICIAL COMMITTEE RULING
in the matter of:
Andrew Cordio et. al. vs Libertarian National Committee et. al.

Date Issued: May 6, 2022

Appellants: Andrew Cordio and additional sustaining members of the Libertarian Party

Respondents: Ashley Shade, Cris Crawford, Derek Newhall, Michael Burns, Andrew Moore, Jeremy Thompson, Daniel Reik, Tara DeSisto
Libertarian National Committee (LNC)

Background:

- On April 4, 2022 we received a filing from Andrew Cordio and 242 additional signers of an appeal asking to veto a decision of the Libertarian National Committee (LNC). The specific decision being challenged was the decision by email ballot ending April 1, 2022 to uphold the LNC chair's ruling that the resolution moved by Rich Bowen on March 23, 2022 titled "Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)" was out of order. The appeal alleged this decision was made in violation of Libertarian Party bylaws.
- The Judicial Committee held a hearing on April 28, 2022 and subsequently considered all the arguments.
- On May 6, 2022 the Judicial Committee announced votes as shown below.
- Judicial Committee members have chosen to author or co-sign the attached written statements regarding their votes.

Ruling:

Motion: To veto the LNC's decision (by email ballot ending April 1, 2022) to uphold the chair's ruling that the resolution moved by Rich Bowen on March 23, 2022 titled "Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)" was out of order. Per LP Bylaws Article 7.12, that decision is declared null and void.

Voting Yes: Arnold, Mattson, Ruwart

Voting No: Moulton, Robinson, Turney

Recused: Supreme

The motion failed with a 3-3 tie vote.

OPINION IN APPEAL OF LNC DECISION REGARDING MASSACHUSETTS AFFILIATE
In the matter of
Andrew Cordio et. al. vs Libertarian National Committee et. al.

Opinion of Alicia Mattson voting to veto the LNC decision.

1.0 Executive Summary

Having reviewed filings by appellants representing and supporting the Libertarian Association of Massachusetts (LAMA), filings by the Libertarian National Committee (LNC), numerous amici filings, the national Libertarian Party (LP) bylaws, both the constitution and the bylaws of LAMA, Democratic Rules of Order (10th edition), and having conducted a hearing on the matter on April 28, 2022, the national Libertarian Party's Judicial Committee voted on the following motion, which was not adopted as it resulted in a 3-3 tie:

To veto the LNC's decision (by email ballot ending April 1, 2022) to uphold the chair's ruling that the resolution moved by Rich Bowen on March 23, 2022 titled "Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)" was out of order. Per LP Bylaws Article 7.12, that decision is declared null and void.

2.0 Background

On April 4, 2022 the national LP's Judicial Committee (JC) received an appeal from Andrew Cordio, "as Chair of the Libertarian Association of Massachusetts" which appeal was also electronically signed by 242 other individuals.

Due to unique circumstances in Massachusetts state statutes, LAMA is (with no dispute asserted in this case) the entity accepted as the LP affiliate in that state.

The appeal is a result of a sequence of events which is summarized as:

- The 2021 LAMA regular convention had elected state committee members (the organization's board of directors) in accordance with its governing documents, and the state committee had elected its officers with Ashley Shade being chosen as LAMA Chair. Though Ashley Shade later resigned during the controversy at issue in this appeal, for convenience the majority of this set of state committee claimants which generally acted together will be referred to as the "Shade group."
- As time passed, some LAMA members unhappy with actions of the Shade group relied upon LAMA Constitution Article II.5 and on December 19, 2021 submitted a petition calling for a special convention along with an agenda for the special convention proposing to replace the state committee members with new state committee members.
- On January 10, 2022 the LAMA state board declared the petition to be not valid and "out of order" and the Shade group refused to organize the special convention demanded by the petition.
- Also on January 10, 2022 the Shade group voted to expel from LAMA membership all who signed the petition calling for a special convention, including two of the nine LAMA state committee members. Minutes from the Shade group assert that there were 46 petition signers, and the Cordio group in this appeal assert that there were 47 signers.

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- On January 23, 2022 the LNC as the board of directors for the LP held a special meeting to review the facts relating to the developing situation within LAMA. Though some actions were proposed following the meeting, the LNC did not adopt any motions on the subject.
- The two LAMA state board members who were purportedly expelled from LAMA membership on January 10 organized the special convention demanded by the LAMA members' petition anyway. The special convention called to order on February 12, 2022, continued the meeting to February 26, 2022 and executed the proposed agenda including an election of replacement state committee members. Per LAMA governing documents, those elected by the special convention chose new officers including Andrew Cordio as LAMA Chair. For convenience this set of state committee claimants will be referred to as the "Cordio group."
- Following the events of February 26, 2022, the Cordio group asserted that it was the rightful LAMA state committee, and the Shade group asserted that it was the rightful LAMA state committee with an argument that the special convention and its actions were not valid. The Shade group has not turned LAMA assets over to the Cordio group.
- On March 23, 2022, LNC Regional Rep Rich Bowen moved and other LNC members cosponsored an email ballot to vote on a resolution (the "Bowen motion") titled "RESOLUTION TO RECOGNIZE THE RIGHTFUL STATE COMMITTEE OF THE LIBERTARIAN ASSOCIATION OF MASSACHUSETTS (LAMA)" which (besides a sequence of "whereas" clauses describing the controversy within the LAMA affiliate) contained a resolution clause, "that the Libertarian National Committee recognizes the results of election at the special convention and the State Committee elected therein."
- Upon a point of order, on March 24, 2022 the LNC chair ruled the Bowen motion to be out of order. The ruling of the chair was appealed by a subsequent email ballot ending on April 1, 2022, with the LNC voting to uphold the ruling of the chair that the Bowen motion was out of order. Thus no vote was ever taken on the underlying resolution itself.
- On April 4, 2022, this appeal was filed.
- On April 13, 2022 the appeal was amended to specifically list the LNC as an interested party, though the JC had already identified them as being such and had notified them of the appeal.
- On April 22, 2022 the LNC filed a written response to the appeal.
- With the belief that they are the rightful leadership, the Shade group held what was said to be a 2022 LAMA regular convention on April 23, 2022. As orally reported to the JC during an April 28 hearing, at this Shade group event a motion was made to reinstate the 45+ expelled LAMA members, and the motion was defeated by a vote of 8 in favor and 15 opposed, reflecting at least 23 voting members in attendance. A new state committee was elected as successors, and though it is different individuals than those dubbed as the Shade group above, they are successors under the Shade group argument of legitimacy, thus will still be generally referred to as the Shade group for purposes of this dispute. LNC Chair Whitney Bilyeu was a guest speaker at this event.
- With the belief that they are the rightful leadership, the Cordio group separately called and held what was said to be a LAMA regular convention on April 24, 2022, with draft minutes showing 37 members in attendance. This group also elected new state committee members, with 8 of the 9 being the same as those who were elected by the February 26, 2022 special convention. These successors will continue to be called the Cordio group.
- No formal written response to the appeal was ever submitted to the JC from the Shade group, though the JC did receive a sequence of individual communications from Tara DeSisto.
- On April 27, 2022 the Cordio group filed a reply to the LNC's brief.
- On April 28, 2022 the LP Judicial Committee held a hearing for arguments and testimony from designees of the Shade group, the Cordio group, and the LNC.

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2.1 Basis of the Appeal

The appeal alleges that the Bowen motion:

- was improperly ruled out of order by the LNC Chair Whitney Bilyeu on March 24, 2022, and
- after the LNC Chair's ruling was appealed by the requisite number of co-sponsors for an email ballot ending on April 1, 2022, the LNC with a vote of 9 in favor and 7 opposed improperly upheld that ruling, prohibiting the resolution itself from receiving a vote.

The appeal alleges that upholding the LNC chair's ruling that the resolution was out of order is a violation of the national bylaws in that, "The actions of the LNC contravene its duties under the bylaws to recognize its affiliate which require it to interface with its proper leadership as detailed in this Judicial's [sic] Committee decision in the recent Delaware appeal. Impacted Bylaws include the entirety of Section 5. If the LNC is giving data, services, directing potential members, directing potential donors, and recognizing lists of delegates submitted by any other than the rightful leadership, it is violating its own duties to its affiliate under the national Libertarian Party Bylaws."

In a page 1 section titled "Relief Requested" the appeal asks, "That the LNC hear and decide on the matter of the Resolution by Rich Bowen and co-sponsored by Susan Hogarth, Ken Moellman, Steven Nekhaila, Joshua Smith, and Erik Raudsep..."

In a page 7 paragraph titled "Requested Ruling and Relief" the appeal requests that the JC find that, "the sustainment of the ruling of the Chair on April 1, 2022 was improper and that the motion put forth by Region 8 Representative Rich Bowen as noted above is in order and must be heard immediately by the Libertarian National Committee at an electronic meeting to be heard within seven (7) days of an Order of the Judicial Committee or via an electronic email ballot to be started within two (2) days of an Order of the Judicial Committee."

Large sections of the appeal discuss constructive disaffiliation, including a statement that "...there is a constructive disaffiliation of the Massachusetts affiliate... The Petitioners believe that is the case here." Yet the requested relief contained nothing regarding that topic. This lack of clarity resulted in disagreement among JC members as to whether the appeal was asking for a ruling on a disaffiliation question as well, or only for a ruling about the propriety of the LNC's decision that the Bowen motion was out of order.

A hearing on this matter had been initially scheduled for April 16, but it was postponed until April 28, as some JC members wanted to see whether the situation would be resolved by the two events on April 23-24, but for other JC members because if this appeal involved constructive disaffiliation, then LP Bylaws Article 5.6 requires that, "The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal..." making April 24 the earliest possible date for a hearing. During oral questioning in the April 28 hearing, though, appellants indicated they are not presently asking for a ruling regarding disaffiliation, and are only seeking a ruling on whether the LNC decision that the Bowen motion was out of order is a violation of the LP bylaws. It was indicated that the discussion of constructive disaffiliation was only intended as another path to establishing standing for Andrew Cordio to unilaterally submit an appeal regarding the Bowen motion.

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3.0 Jurisdiction and Standing

The appeal asserts the JC has jurisdiction and that the appeal signers have standing under various sections of the LP bylaws:

LP Bylaws Article 8.2:

"The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

a. suspension of affiliate parties (Article 5, Section 6),

[...]

d. voiding of National Committee decisions (Article 7, Section 12),

[...]

LP Bylaws Article 5.6:

"The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation. The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation...The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a regular convention."

LP Bylaws Article 7.12:

"Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void."

LP Bylaws Articles 5.6 and 8.2a allow an affiliate to appeal the question of their disaffiliation, but the only remedy the JC can offer in such a situation is to "either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party." The appellants have clarified they are not making such a claim in this appeal, but are merely expressing a belief that a constructive disaffiliation gives them an additional path to establish standing for Andrew Cordio to unilaterally challenge the LNC's handling of the Bowen motion. However, this bylaw only establishes standing for a disaffiliation claim, not to overturn a vote of the LNC, thus Articles 5.6 and 8.2.a have no application here.

An appeal to overturn a vote of the LNC due to an allegation that it violates the bylaws can only be done under the process of LP Bylaws Article 7.12 with JC jurisdiction from Article 8.2.d, which requires a certain number of delegates or members submit the appeal jointly.

The appeal submitted on April 4, 2022 came with 242 electronic signatures purported to represent at least one percent of the Party sustaining members. Six of those were found to be duplicates, for a unique submission total of 236 signers. National party staff reported total sustaining membership of 16,550, thus the 10% threshold is 166. National party staff checked the membership status of the signers and found 210 of them to be sustaining members, well over the required 166. On April 14, 2022 appellants

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submitted an additional 47 signatures, but the threshold had already been met, so no time was invested to identify any duplicates or verify membership status of this set.

4.0 Range of Authorized Remedies

Only one remedy is authorized under a Bylaws Article 7.12 claim that an LNC decision violated the bylaws: "If the decision is vetoed by the Judicial Committee, it shall be declared null and void."

It is not within the range of options to craft timing orders that the Bowen resolution, "must be heard immediately by the Libertarian National Committee at an electronic meeting to be heard within seven (7) days of an Order of the Judicial Committee or via an electronic email ballot to be started within two (2) days of an Order of the Judicial Committee." If the JC overturns the LNC's decision (that the Bowen motion is out of order) then that decision is null and void, and the motion is in order, but the fully co-sponsored email ballot would proceed under the requirements of LP Bylaws Article 13 and other relevant LNC policy.

5.0 LNC Decision that the Bowen Motion was Out of Order - Was it a Bylaw Violation?

Under LP Bylaws Articles 8.2.d and 7.12, the JC can only "consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws."

The LNC argued both in its written brief and in oral arguments that the appeal does not allege any specific bylaw violation, and merely makes a general reference to LP Bylaws Article 5.

The appeal does call upon the JC to apply the "precedent" of the Delaware case. This case is being decided by the same JC members that decided that case, and the Delaware majority opinion did note, "There is no bylaw which says past JC rulings on similar-fact-pattern cases constitute binding precedent, such that a mistake made by a previous JC would compel a later JC to live with the same mistake. That is not a rule of our organization, thus it cannot compel us."

However, this appeal can be instead viewed as merely incorporating by reference the same logical arguments contained in that majority opinion when the appeal says, "The actions of the LNC contravene its duties under the bylaws to recognize its affiliate which require it to interface with its proper leadership as detailed in this Judicial's [sic] Committee decision in the recent Delaware appeal." This opinion may borrow verbiage from the Delaware opinion either in quotation marks so as to correct perceptions of what it said, or without placing it between quotation marks because the text is being reused for efficiency sake rather than because the JC operates on binding precedent.

The question to be decided here is whether it was a bylaw violation for the LNC to declare the Bowen motion to be out of order. First to be considered is the basis on which the LNC chair ruled the motion to be out of order.

On April 24, on the public LNC email list, LNC Chair Whitney Bilyeu initially responded to a point of order regarding the Bowen motion with the ruling, "This motion is out of order as it violates Article 5.5 of the LP Bylaws." Further in debate on her ruling, she mistakenly characterized this JC's recent majority opinion regarding Delaware as, "The JC determined that it, the JC, may interfere with affiliates. As long as Article 5.5 exists as written, the LNC cannot."

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Of course the majority opinion in the recent Delaware case did not find that the JC may interfere with affiliates. It instead opined:

"The LNC respecting an affiliate's rules and elections by working with the rightful affiliate chair (as opposed to someone who is not the rightful chair) is respecting the affiliate's autonomy, not abridging it. The LP bylaws provide at least 15 requirements in Appendix A, including duties to interact with the affiliate and its officers, which mean that even IF applying the affiliate's rules to determine its chair's identity is perceived by some as an abridging of its autonomy, the LNC and other Party committees are required to do so in order to abide by these bylaws. The LNC is actually obligated by the bylaws to know who certain affiliate officers are, and if disputes arise, affiliate autonomy is preserved so long as the LNC accurately applies the affiliate's own rules to determine with whom the LNC will work. It would violate affiliate autonomy for the LNC to substitute its own preferences for those of the affiliate and not let the affiliate's own rules answer the question."

The LNC Chair's mischaracterization of the nature of the Delaware ruling is not a persuasive argument. That leaves the argument that LP Bylaws Article 5.5 ("The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws") caused the Bowen motion to be out of order. This argument is addressed by the same points in the majority opinion in the Delaware case with a need to only repeat as a summary that the LNC respecting an affiliate's rules and elections by working with the rightful affiliate chair (as opposed to someone who is not the rightful chair) is respecting the affiliate's autonomy, thus if the Cordio group is the rightful LAMA leadership, the Bowen motion does not violate LP Bylaws Article 5.5, and the Bowen motion only becomes a bylaw violation if the Shade group is the rightful leadership.

The LNC's written brief introduces another argument that the Bowen motion, "does not address the impact that such action would have upon the original LAMA State Committee, which the LNC presently recognizes, and Petitioners likewise fail to address the issue. If adopted, however, the Resolution would require that the LNC revoke its recognition of the original LAMA State Committee. LP Bylaw 5.3 ('There shall be no more than one state-level affiliate party in any one state.')

This argument asserts that the LNC currently recognizes the Shade group (including successors to the original group) as the rightful leaders of LAMA, thus recognition of the Cordio group would be creating a second affiliate within Massachusetts (disallowed by LP Bylaws Article 5.5), thus the Bowen motion was out of order absent the adoption of a motion to disaffiliate the Shade group.

But the Bowen motion and the Cordio group are not asking for the LNC to create a new/second affiliate in Massachusetts. If they were, the Cordio group would have submitted the paperwork required by LP Bylaws Article 5.2. Instead, the Cordio group asserts that they are the leadership of the one and only affiliate which has existed in Massachusetts for many years, and recognition of their leadership (particularly Mr. Cordio as chair) is recognition of the long-standing affiliate.

Whether or not the Bowen motion was in order, or whether the motion itself represented a potential bylaw violation, hinges on the question of who are the rightful leaders of LAMA under the LAMA governing documents which are the result of many years of decisions made by LAMA members. If disputes arise within affiliates, particularly about the identity of the affiliate chair, affiliate autonomy is preserved so long as the LNC accurately applies the affiliate's own rules to determine with whom the LNC will work.

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Affiliates routinely change their officers, often every 1-2 years with a convention. At other times affiliate chairs resign and the vacancies are filled. It does not create a new affiliate when a resignation or a convention changes leadership in accordance with the bylaws. When such leadership changes routinely occur, it normally doesn't even require an action by the LNC to recognize the leadership change. An officer within the affiliate sends an email to the LNC Chair and/or LP staff, and without dispute, internal lists are updated to list the new leadership. It usually doesn't even require a vote of the LNC to effect the change. The reason an LNC vote was proposed here is because the LNC Chair did not accept the notification of leadership change and believes the Shade group to still be the rightful leaders.

The only way for the JC to determine whether the Bowen motion was in order is to apply the LAMA's own articles and bylaws to the presented facts to identify which group represents the rightful LAMA leadership, which we do below.

5.1 LAMA Petition for Special Convention

The real start of the path to a dispute over the identity of the rightful chair (and other board members) was on December 19, 2021 when members of LAMA who were unhappy with various actions of their state committee (as the governing board of the entity) submitted signatures on a petition calling for a special convention "to elect a State Committee" and submitted an agenda for that convention. The number of valid signatures is somewhat in dispute, with the appellants saying they submitted 47 valid signatures. Minutes from the January 10, 2022 LAMA state committee meeting say, "Signed by 46 people, 1 was not a member, 2 joined after signing." That leaves a range of 43-47 valid signatures for the petition.

Prior to that date the Shade group was generally undisputed to be the LAMA officers and board members ("generally" though appendix A.10 to appellants complaint shows a member asserting that Ashley Shade's continuance as chair was in violation of Massachusetts state law, and that another state committee member was ineligible to serve due to no longer being a Massachusetts resident – neither of these issues is necessary to address here).

LAMA has both a constitution and bylaws. LAMA Constitution Article II.5 provides that,

"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."

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Minutes of the November 8, 2021 LAMA state committee (appellants Appendix A.1) reflect that Membership Director Andrew Moore reported LAMA's membership as 190. Minutes of the December 13, 2021 state committee (in appellants Appendix A.2 -- just days before the petition was submitted) do not report a membership count, but appellants offer that it was stated out loud during that meeting to be 204, and respondents have not disputed that count. No evidence has been submitted to show exactly what the membership was on December 19, 2021 when the petition was submitted, but 10% of that figure would be in a very close ballpark to 21, and certainly with at least 43 valid signatures submitted, it met the required 10% threshold in the LAMA constitution.

The only akin-to-opposition argument to the JC on the validity was in individual emails from Tara DeSisto asserting that 17 of those signers joined the party on the same day they signed the petition. No evidence of this was provided to the JC, and she provided no claim that it violated any LAMA rule. The LAMA governing documents do not require that a member must have been a member for any sort of probationary period before they can exercise their membership rights, thus assuming her complaint to be correct, that would not invalidate the 17 signatures. Even if it did, if only the low-range of 43 signers were valid, and even if those 17 couldn't be counted for some reason, it still would leave 26 valid signers, which would meet the 10% threshold.

During the hearing on April 28, the Shade group was asked whether the petition met the required threshold for the number of signers, and they offered no argument that it did not.

No persuasive argument having been made that the petition was insufficient, and their own minutes offering evidence that it was sufficient, the petition calling for a special convention met the threshold requirement of Constitution Article II.5.

5.2 LAMA State Committee Handling of Petition for Special Convention

LAMA Constitution Article II.5 quoted above is very clear that when a petition with the requisite number of member signatures is submitted, "...the state committee must organize a state convention to be held..." That article provides no subject matter restrictions for special conventions.

The January 10, 2022 LAMA state committee minutes say of the petition:

"Agenda proposed is not compliant with constitution

Agenda: Elect new state committee, Set number of committee numbers

Article 4.1 lays out requirements for those two points

Since agenda does not have constitutional change to contravene Article 4.1, agenda cannot be valid

Also out of order because date, agenda, location already selected for electing new state committee"

The minutes leave the reader presuming that was a decision of the chair, though it doesn't directly say that. It records no votes on the issue. Regardless, it seems the LAMA state committee essentially declared the petition to be invalid, and presumably did not intend to hold the special convention in spite of the clear constitutional requirement.

Interestingly, LAMA Bylaws Article IV.9: requires that "Application of the Rules of Order shall facilitate, not obstruct, the advance of business." It is a vague rule which requires a subjective judgment call be made

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any time it is to be applied, but there's a good argument to be made that invalidating petition for a special convention which clearly met the numerical threshold would be an obstruction, rather than an advancement, of business. This opinion does not hinge on that argument, though.

Appellants report that December 22, 2021 was the first date the petitioners had clear indication that the LAMA state committee had no intention of carrying out their duty under the LAMA bylaws to hold the special convention. The first indication was a social media post provided with the appeal showing LAMA state committee member Tara DeSisto saying to LAMA member Brodi Elwood that, "the petition itself [sic] an act of aggression against the SC."

A few weeks later, the January 10, 2022 LAMA state committee meeting minutes show that:

- Ashley Shade moved "to expel all members who signed the petition and refund their dues..."
- The state committee with 6 in favor and 1 opposed voted to adopt the motion to expel the petition signers.
- Ashley Shade resigned from the LAMA state committee effective at midnight that night.

Appellants further report that those expelled include two who were members of the state committee (Charlie Larkin and Janel Holmes).

Regardless of the question of whether the LAMA state committee's vote to expel the petition signers was in compliance with the governing documents, a very key point to be made is that those members were purportedly expelled well after the petition was submitted to call for a special convention. Expelling them on January 10, 2022 would not retroactively take away the validity of the petition submitted on December 19, 2021. The petition was still valid, and the state committee had an obligation to hold the special convention.

The petition was a valid call of a special convention under the LAMA governing documents, and its results should be recognized by the LNC as the will of the LAMA members.

Though the Shade group submitted no arguments to the JC regarding their rejection of the petition and why the special convention results should not be accepted, the January 10, 2022 LAMA state committee minutes record (as quoted above) an argument that the submitted agenda for the special convention called for electing state committee members and setting the number of state committee members, and that LAMA Constitution Article 4.1 (quoted below), "lays out requirements for those two points" and "[s]ince agenda does not have constitutional change to contravene Article 4.1, agenda cannot be valid." The minutes also assert the petition to be invalid "because date, agenda, location already selected for electing new state committee."

The fact that the Shade group had already begun planning a regular convention in no way precludes a special convention from happening in the interim. That is not a rule in the LAMA governing documents.

Appendix A.16 from the Cordio appeal includes an article on the website of the Shade group which argues that (underline added), "The short version is that State Committee members can only be elected at regularly scheduled conventions and since the agenda for the petition did not include an item for amending the constitution to allow a special convention to elect a new State Committee instead, it has no valid agenda and therefore is invalid as a whole." This seems to be generally consistent with the vague comment summaries recorded in the minutes.

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The word "only" is rather important in that argument, as it is not a word found in the LAMA governing documents on the topic.

LAMA Constitution Article II.1:
"A Regular State Convention shall be held in every year."

LAMA Constitution Article IV.1:
"Each Regular State Convention shall elect, as provided in the Bylaws, up to nine State Committee members."

LAMA Constitution Article IV.3:
"The State Committee shall elect officers to fill any vacancies. The State Committee may by majority vote appoint to itself additional members."

LAMA Constitution Article IV.4:
"All members of the State Committee shall hold office until adjournment of the next State Convention at which their successors are chosen."

None of these provisions says that state committee members can "only" be elected at a regular convention, merely that it is a required action at each regular convention. In fact, even within the same Article IV is another provision that, "The State Committee may by majority vote appoint to itself additional members," which allows some state committee members to be seated without having been elected at a regular convention. Even the text of the LAMA governing documents does not support the offered argument.

Further, LAMA Constitution Article IV.4 (quoted above) regarding the term of office for state committee members provides that they hold office until the adjournment of "the next State Convention at which their successors are chosen." It does not even specify that it must be a *regular* convention, as opposed to a *special* convention. Even if it did say "regular," the mere existence of a term of office doesn't inherently preclude members from having a path to remove someone from office before the term ends.

If LAMA used Robert's Rules of Order Newly Revised (RONR) as its parliamentary authority, the "only at a regular convention" argument would have a little more potential, as RONR contains a section of "principles of interpretation" (found at 56:68) and the fourth one is:

"If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited. There is a presumption that nothing has been placed in the bylaws without some reason for it. There can be no valid reason for authorizing certain things to be done that can clearly be done without the authorization of the bylaws, unless the intent is to specify the things of the same class that may be done, all others being prohibited. Thus, where Article IV, Section 1 of the Sample Bylaws (56:62) lists certain officers, the election of other officers not named, such as a sergeant-at-arms, is prohibited."

Essentially RONR at times can add an "only" to the meaning of the governing documents, though RONR also establishes default procedures for removal of elected board members if the governing documents don't provide otherwise. But LAMA Bylaws Article IV.9 provides:

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"All State Committee Meetings are run under Francis and Francis Democratic Rules of Order as interpreted by the voting members of the Committee unless specifically otherwise provided."

Democratic Rules of Order (DRO) provides no such parallel exclusivity via interpretation guidelines, as it is a very limited manual only intended to narrowly apply to the conduct of meetings.

The LAMA constitution/bylaws themselves contain no "only" exclusivity clause, and DRO does not establish one.

Though the LAMA governing documents spell out regular elections at regular conventions, it says nothing of any process for a situation in which there is a desire by the broader membership to remove and replace someone from the executive committee. Again, if LAMA used RONR, there would be a default process for removal of a state committee member because the governing documents provide no overriding procedure. But since LAMA instead uses DRO, the general governing rule found in DRO 10th edition p. 13 is:

"Given a quorum, the will of the majority of members present and voting at any meeting held in accordance with the bylaws is the final authority and cannot be thwarted by any individual or by any previous decision, except where a higher law provides an exception (see page 5, Higher Laws)."

Further in a summary of the DRO rules on p. 78:

"The final authority is the majority of voting members, provided a quorum is present, subject always to any applicable higher law (a law of the land, a constitution, a bylaw, or an existing standing rule)."

DRO's nature is much closer to the proverbial "tyranny of the majority" of pure democracy, though there are some constraints placed by "higher laws." The referenced "higher laws" include "law of the land, a constitution, a bylaw, or an existing standing rule" with an important note that "standing rule" in DRO is not the same as the RONR definition of "standing rule" to which many readers may be accustomed.

LAMA governing documents say nothing of how the members may remove and replace previously-elected state committee members, and no "higher law" was argued or presented to the JC that would prohibit the membership from doing so at a special convention. The special convention was properly called with a petition in accordance with the governing documents, therefore the will of the majority of members present and voting at that special convention should be respected by the LNC so as to respect affiliate autonomy as required in LP Bylaws Article 5.5.

The LAMA state committee argument that the petition was out of order because supposedly state committee members may only be chosen at a regular convention does not withstand the simple scrutiny of other provisions of the LAMA constitution or the central tenant of DRO. In addition, the LAMA constitution clearly says the state committee can only add to an agenda of a special convention. Certainly they cannot cancel the entire agenda and override the constitutional obligation to hold the meeting. If the LAMA state committee believed that the items on the special convention were in violation of the governing documents, they were still obligated by the constitution to organize the special convention and argue the point of order to the membership at that convention.

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5.3 LAMA State Committee Expulsion of Over 40 members

According to undisputed testimony during the April 28 IC hearing, at least some of those elected to the LAMA state committee by the special convention on February 12 and 26, 2022 (including the chair of the Cordio group) were among those purportedly expelled from LAMA on January 10, 2022. LAMA Constitution IV.8 requires that one be a member of LAMA to either be elected to or serve on the state committee. Thus the next step is to examine whether or not Andrew Cordio (and other petition signers) were properly expelled on January 10, 2022.

LAMA Constitution Article IV.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."

LAMA Bylaws Article I.3:

"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;"

The appeal notes that two of the expelled members were also state committee members, and that with allegedly almost no notice for the January 10, 2022 meeting there was certainly not "reasonable access to due process" for those two individuals. This seems a strong argument, but neither of the expelled state committee members was the person chosen by the special convention to be LAMA Chair, and given the dispute over whether he is now the chair, the LNC primarily needs to know whether Andrew Cordio is the affiliate chair.

Rather this opinion will focus on the propriety of the single vote on January 10, 2022 to expel from LAMA membership the 40+ petition signers, including the two state committee members (there is no need to tread into a question as to whether state committee members could be removed in this manner as opposed to the manner from LAMA Constitution Article IV.10).

LAMA Bylaw Article I.3 quoted above provides a method by which the state committee may expel a person from membership in LAMA, but notably it requires that it be "for cause." That phrase is not defined in the LAMA constitution or bylaws, nor is it defined in DRO. Without an express definition, the threshold of cause is not particularly high.

However, the January 10, 2022 LAMA state committee minutes are quite revealing. The recorded comments make clear that there was a desire to remove those who were members in the Mises Caucus because the Shade group disliked the caucus goals.

- The minutes say state committee member Jeremy argued it is time to, "remove members who signed the petition" and "It is not fair to usurp the will of the last convention for a malicious caucus."
- The minutes say another state committee member, Janel, disagreed, noted that not all petition signers are members of the Mises Caucus, and urged her colleagues to "treat people as individuals and not as a group."
- The minutes say state committee member Cris expressed disagreement with the goals of the Mises Caucus.
- Finally the minutes say Ashley Shade conceded that, "Everyone who signed the petition is not in the wrong, only the organizers" yet proceeded to "suggest to expel all the members and let them

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back in on a case-by-case basis." Then Ashley Shade moved to expel, "all members who signed the petition."

These recorded comments make very clear that they knew not all who were expelled were guilty of the "cause" for which the Shade group truly wished to expel members, but perhaps because they couldn't accurately parse the list for who was or wasn't guilty (see comments noted from January 23, 2022 LNC meeting below), they instead expelled for the "cause" of being a petition signer.

Besides the minutes, there are other statements made by LAMA state committee members about the cause:

- Appellant's appendix A.5 provided a December 22, 2021 social media post in which LAMA state committee member Tara Desisto wrote to LAMA member Brodi Elwood, "the petition itself if [sic] an act of aggression."
- In the January 23, 2022 LNC meeting which discussed these disputed actions within Massachusetts:
 - Following a question at video time stamp 00:58:54, LAMA state committee member Cris Crawford said, "Well, see, we don't have any way of knowing who the – which of the petition signers were – had eyes wide open that this was a Mises Caucus attempt to take over our convention. We don't know which ones were, and there's no way to know because the Mises Caucus hasn't provided us with their membership list."
 - Following a question at 01:04:03 about whether the actions were specifically to remove Mises Caucus members, Cris Crawford responded that no, it was to remove those who signed the petition. On a follow-up question as to whether members are allowed under LAMA governing documents to submit the petition, Cris Crawford answered, "Technically, they are but we deemed it fraudulent. [overtalk] was the cause. And their actions were fraudulent." With a follow-up question, "Any reason why it was deemed a fraudulent action?" Cris responded, "Well, yes, because they were part of the national campaign to take over state parties by the Mises Caucus, and it was organized by the Mises Caucus of Massachusetts."
- Appellant's appendix A.16 is a copy of a March 6, 2022 blog post on the website of the Shade group. It generally says the public comments made by Ashley Shade and Cris Crawford explain the reasons for the expulsion, but, "one of the most cited aspects of the decision is that the petition was organized by a controversial PAC calling themselves the 'Mises Caucus' who has stated their goal is 'taking over' the Libertarian Party."
- Further in Appellant's appendix A.16, the Shade group's blog article argues, "even if the signers were ill-informed participants, they still engaged in an action specifically designed to harm the party through ejecting the State Committee..."

Various members of the Shade group have argued the cause for the expulsion was for signing the petition for a special convention, as it was an effort by a caucus within the party to earn leadership seats. Most caucuses in the party desire to elect their caucus members to a majority of seats at various levels of party leadership, and this is nothing new or inherently improper. It is how political movements work.

The LAMA constitution expressly grants the LAMA members the right to petition for a special convention, and there is no rational argument that when the LAMA bylaws allow a "for cause" expulsion that the cause could possibly be for exercising their expressly stated LAMA constitutional rights.

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Andrew Cordio and the other petition signers were not expelled "for cause" in accordance with LAMA governing documents, thus there is no reason for the LNC not to recognize him as the rightful LAMA chair.

6.0 Proposed Ruling

Since the LAMA members' petition for a special convention was valid, and the LAMA constitution requires the special convention to be held, and Andrew Cordio and his colleagues were not expelled for cause by the LAMA state committee, and Andrew Cordio was elected by the special convention to the state committee which elected him as LAMA chair, the LNC is obligated by the LP bylaws to recognize him as the actual affiliate chair.

Since the Bowen motion is to recognize the rightful chair of LAMA according to the LAMA governing documents, the motion does not violate either LP Bylaw Article 5.5 or 5.3. Since the LNC rationale for ruling the motion to be out of order was based on instead recognizing the Shade group as the rightful leaders of LAMA, the LNC's decision that the motion was out of order was itself a violation of the various bylaw requirements (for efficiency sake, reference the appendix in the prior Delaware ruling) for the LNC to recognize and interact with the actual leaders of the actual affiliate. For LP bylaw compliance, the LNC in some way is obligated to recognize the rightful affiliate leadership, whether that be done unilaterally by the LNC chair, by adoption of the Bowen motion, or by adoption of some different motion which achieves the same effect. Ruling a motion to be out of order with an argument that the LNC recognizes someone other than the rightful affiliate leadership is not compliant with the LP bylaws.

Therefore, the LNC decision to rule the Bowen motion out of order contravenes the bylaws, should be vetoed by the JC, and would be null and void under LP Bylaws Article 7.12.

This case did not raise a question of disaffiliation, but if the opposing arguments made about LP Bylaw Article 5.5 were accepted, it would allow any affiliate to be disaffiliated in ways other than the "for cause, by a vote of 3/4 of the entire National Committee" as required by LP Bylaws Article 5.6 – including by unilateral decision of an LNC chair, by LNC inaction, or by a simple majority vote to say a legitimate motion was out of order.

7.0 Note of Caution

This JC has been obligated to rule on several controversial issues, and it is concerning that some members have been approaching these cases as though they are political lobbying efforts to a political body. There have been efforts to rally large numbers of people to email the JC in support of one side or the other, or even parties to the case have submitted numerous resolutions adopted by various affiliates or sub-affiliates agreeing with one side or the other. This is inappropriate if those submissions provide the JC no new facts or parliamentary arguments, but are merely trying to show how many people hold a given opinion. The number of people who hold an opinion is only relevant to the extent needed to establish standing under a rule requiring a certain number of appeal signers. Beyond that, the number of people who hold a given opinion is irrelevant to the JC task of interpreting rules. If the party members want the JC to remain a body for neutral rules interpretation, it is a grave mistake to approach it with such political persuasion tactics. The LNC is a political body, and if the members are going to turn the JC into just another political body, what's the point?

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Ruwart Opinion in the Matter of Massachusetts Dispute

Concerns with the Interpretation of LP Bylaw 5.5

After evaluating both the Delaware and Massachusetts disputes, I have concluded that the delegates in Reno should seriously consider giving both the LNC and JC guidance surrounding the often-cited LP Bylaw 5.5: "The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws."

In the Delaware case, the LNC felt that deciding between the two disputing boards would be a violation of Bylaw 5.5. Instead, it gave both disputing boards the monthly data dump which should only be provided to an affiliate. However, since only one board could be the rightful one, that meant that confidential information was being supplied to a group that was not the appropriate leadership. As a result, both sides claimed that they had been "constructively disaffiliated."

In the Massachusetts case, the LNC gave one of the disputing boards the data dump without trying to ascertain, as near as I can tell, which board was the rightful one. In addition, the LNC Chair attended the convention held by one side, but not the other. It ruled the Bowen resolution out-of-order. Through all of this, it claimed that all of its action honored Bylaw 5.5.

These three actions of the LNC certainly gave me the impression that the LNC was picking sides without appropriate due process, all the while claiming to be upholding the neutrality that it believed Bylaw 5.5 required. My vote to overturn was based in part in what I perceived as inconsistency on the part of the LNC's argument that it was respecting the autonomy of the affiliate.

Perhaps the LNC should have withheld the data dump from both disputing boards until they settled their differences. However, especially close to an election, failure to identify an affiliate or giving it the data dump could hinder their electoral effectiveness.

Potential Clarifications of LP Bylaw 5.5

Ideally, every affiliate should have its own JC to settle its disputes. However, especially in the case of small affiliates, this may not be practical as those who would serve on the board may likely be the same individuals that the membership would like to see on their state's JC.

The Mattson opinion in the Delaware case stated that the LNC must know its affiliate and thus had the duty to decide which board is the legitimate leadership when possible. As near as I was able to discern, the LNC never did the research necessary to determine which state board was the legitimate leadership. In both cases, most members of the JC felt that the rightful

leadership could indeed be discerned. However, some JC members believed that Bylaw 5.5 prohibited both the LNC and the JC from articulating which leadership was the rightful one.

One interpretation of Bylaw 5.5 is that, regardless of whatever offenses that one board might make against the state's own bylaws, the JC and LNC cannot express an opinion without violating state autonomy. However, if a state has no JC to settle a dispute, is it legitimate for the LNC to choose its affiliate when one group has flaunted its own bylaws? If so, under what conditions? Can the JC decide if appealed to? Would doing so violate LP Bylaw 5.5? Do the delegates and membership want the JC and LNC to express no opinion rather than settle the matter in cases where one board can be reasonably be identified as the rightful leadership? I lean towards believing that the delegates would want the LNC or JC to accept one board over another when the other board egregiously violated their state's own bylaws, as was the case in both of these disputes.

The Moulton opinion in the Delaware case is that the board which holds most of the affiliate's assets should be recognized. I dislike this way of choosing an affiliate, as an outgoing board can simply refuse to hand over affiliate assets to the incoming, duly-elected one and thus retain its leadership indefinitely. I am gratified to see the Moulton opinion in this case seeks to suggest bylaws that might make the path of the next JC (and possibly the LNC) more straightforward.

It would be immensely helpful to the next LNC and JC for the Reno delegates to clarify their intention behind Bylaw 5.5 to the greatest extent possible.

My Process in This Case

The JC was asked to overturn the ruling of the Chair and allow the Bowen Resolution to come to an LNC vote. My first inclination was to vote against overturning the Chair, especially because the LNC itself had endorsed the Chair's ruling and because the Bylaws instruct the JC to put the burden of proof on the appellant. Even if the JC ruled that that the vote should proceed, I suspected that the current LNC would vote it down, as those who endorsed the Chair's ruling would likely vote against the resolution.

Simply by giving monthly data dumps to one set of claimants to the state committee but not the other, the LNC was, in my opinion, giving the appearance of choosing sides without any obvious due process, instead of honoring the affiliate's autonomy. The Chair's attendance at the convention called by one of the two state committees, but not the other, also gives the appearance of choosing a side. These actions, which appear to show bias, made me concerned that ruling the Bowen resolution out-of-order was also a way of choosing sides without any consideration given to the claims of the appealing board.

On the other hand, I recognize that the LNC is in a difficult position in that it cannot discipline an affiliate by disaffiliating it this close to the National Convention. However, the LNC could have refused to give either side a data dump if it wanted to be even-handed. The Chair could

have attended both conventions or neither. The Bowen resolution could have been allowed to go forward even though it was likely to be voted down. These actions would have been more consistent with the LNC's claim that its actions were intended to honor the autonomy of the affiliate.

Indeed, as the Mattson opinion pointed out in the Delaware case, the LNC has a duty to make sure that it does know the leadership of its affiliate. As near as I can tell, the LNC made no attempt to learn if the proper leadership was easily discernable. It's likely that there may be cases where such discernment is impossible or very difficult. However, this was not the case in the opinion of most of the JC members for some of the reasons stated in the Mattson analysis of both disputes.

I appreciate that the affiliates do not want the LNC, or the JC for that matter, "interfering" in their affairs. However, the flip side is that when leadership of an affiliate is in dispute, there is no LP authority to settle the case if the affiliate does not have its own JC. Instead, years of litigation, infighting, and instability result. Do we want the state courts to decide who our affiliate leadership is? Can the delegates in Reno come up with some guidance for the LNC and JC in handling such cases?

In the matter of:

Andrew Cordio et. al. vs Libertarian National Committee et. al.

As usual, I see things in a different light than my fellow members of the Judicial Committee.
Per the motion before us:

Motion: To veto the LNC's decision (by email ballot ending April 1, 2022) to uphold the chair's ruling that the resolution moved by Rich Bowen on March 23, 2022 titled "Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)" was out of order. Per LP Bylaws Article 7.12, that decision is declared null and void.

My initial inclination was to that the chair, and subsequent LNC board vote was made in good faith, following the bylaws. That meant the ruling of the chair should be upheld. During the course of the JC hearing arguments made by Mr. Oliver Hall, for the LNC, seemed to sustain my belief. LNC Chair Whitney Bilyeu then made a statement relating to the danger of turning over the LNC to the Mises Caucus. This led me to believe that her ruling was not made in good faith with the bylaws. It was motivated by a personal political agenda. Thus, my yes vote.

Tom Arnold, LNC Judicial Committee

Libertarian Party Judicial Committee
Andrew Cordio et. al. vs Libertarian National Committee
Opinion by Dr. Chuck Moulton

1. Ruling

With respect to the specific question the Judicial Committee voted on, I ruled as follows.

On the statement "Ruling: to veto the LNC's decision (by email ballot ending April 1, 2022) to uphold the chair's ruling that the resolution moved by Rich Bowen on March 23, 2022 titled 'Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)' was out of order. Per LP Bylaws Article 7.12, that decision is declared null and void." I voted no. I profoundly disagree with the Mattson opinion's reasoning and its conclusions. LNC Chair Whitney Bilyeu was entirely correct to rule the motion out of order as violating LP Bylaw 5.5 ("The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws.") and the LNC was entirely correct in sustaining the ruling of the chair.

2. McVay vs LNC & Hinds vs LNC

The majority opinion of this Judicial Committee in the Delaware case was a disaster. The present Massachusetts case is an early opportunity (and there will be many others) to say "I told you so". According to the Delaware majority an implicit need to know who is the leadership of an affiliate created a Judicial Committee and Libertarian National Committee power out of thin air to arbitrate state affiliate internal bylaws disputes in direct contravention of the plain language of the explicitly spelled out LP Bylaw 5.5 ("The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws."). That is of course absurd.

Predictably (and I mean that literally because I foresaw all of these things in my dissent):

- state affiliates are lining up to submit their internal bylaw and leadership disputes to the Libertarian National Committee and to the Judicial Committee
- the LNC and JC have wasted countless volunteer hours arbitrating these disputes
- LP Bylaw 5.6 is now dead letter, as some LNC members think it may effectively disaffiliate using a majority vote of those present (rather than 3/4 of the entire committee), including less than 6 months before a national convention
- many are attempting to frame these disputes as political popularity contests, submitting lists of members and state & local affiliates who agree with them rather than focusing amicus briefs on substantive parliamentary points

3. Facts of Massachusetts

On December 13, 2021 the Libertarian Association of Massachusetts [hereinafter, "LAMA"] state committee adopted a "Standards of Behavior" resolution. In response to this resolution, which he considered "un-libertarian", local affiliate leader Dan Garrity organized a petition for a special convention under LAMA Constitution II.5 at which the state committee would be up for election. This petition was signed by 47 LAMA members, which met the Constitution II.5 threshold: 10% of current LAMA dues-paying members. On January 10, 2022, the LAMA state committee expelled from

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membership all 47 signers (including 2 state committee members) of the special convention petition. Petitioners organized the special convention that the state committee refused to facilitate, which was held on February 12, 2022 over Zoom and continued on February 26, 2022 in Worcester, MA. This special convention purported to elect a new state committee. Both groups – the Shade committee [hereinafter, "LAMA-1"] and the Cordio committee [hereinafter, "LAMA-2"] – scheduled state conventions to select a new state committee: LAMA-1 on April 23, 2022 and LAMA-2 on April 24, 2022. At LAMA-1's state convention, delegates voted not to reinstate the 47 purged members.

On March 23, 2022, Region 8 Representative Bowen moved an email ballot to vote on a resolution titled "Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA)", which would have the effect of recognizing the LAMA-2 leadership instead of the LAMA-1 leadership. LNC Chair Bilyeu ruled the motion out of order for violating LP Bylaw 5.5 on March 24, 2022 and the ruling of the chair was sustained by an LNC vote ending on April 1, 2022. On April 4, 2022 the LP Judicial Committee received an appeal under LP Bylaws 7.12 / 8.2.d seeking to void the LNC decision that the motion was out of order.

Unlike the Delaware case, LAMA-2 has not claimed constructive disaffiliation or asked the Judicial Committee to recognize LAMA-2 over LAMA-1. Instead, they have only asked that the LNC decision be voided and that the LNC vote proceed, which is rather odd. It seems likely whichever side would lose if that vote were to take place would immediately appeal to the Judicial Committee. LAMA-2 could already claim constructive disaffiliation by virtue of its treatment with respect to linking to the affiliate website, access to national member data through the CRM, etc. By failing to make those claims until after the Judicial Committee rules on the present case, LAMA-2 has run out the clock making a future decision impossible before the national convention.

The fact pattern before us is a classic case of "everyone sucks here" (to employ the terms of the AITA reddit). The Mises Caucus would almost certainly have succeeded in taking over LAMA if it waited 2 months for the regularly scheduled state convention. Unfortunately, a lack of patience and basic political etiquette led them to jump the gun employing a probably legitimate but incredibly controversial special convention procedure to wrest control of the organization slightly early. The existing state committee LAMA-1 could have simply accepted the petition as valid and organized the special convention. Instead, they purged the membership of their political opponents to prevent an early vote and rig the vote of the upcoming regular convention. Both sides were eager to create a mess to gain power, wasting everyone's time in the process.

4. LNC Chair Ruling & LNC Sustaining of that Ruling

LNC Chair Bilyeu is entirely correct that the resolution violates the clear language of LP Bylaw 5.5 ("The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws."). If the LNC wishes to recognize a different affiliate than LAMA-1 then it must disaffiliate LAMA-1 under LP Bylaw 5.6 ("The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee.") and charter LAMA-2 under LP Bylaw 5.2 ("The National Committee shall charter state-level affiliate parties from any qualifying organization requesting such status in each state, territory, and the District of Columbia (hereinafter, state)."). The first step is not even possible at this time because LP Bylaw 5.6 restricts its applicability immediately before a national convention ("The

National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention.”).

The LNC has no power whatsoever to side-step LP Bylaw 5.6. If there is a dispute over which leadership to recognize and the LNC declines to utilize its disaffiliation power, then it takes no motion to resolve that dispute from the national LP’s perspective. The LNC, the LNC chair, and staff should follow the Wagner rule as clarified by Bill Hall¹, looking for continuity: “(a) Which group is recognized by the State as having ballot access?, (b) Which group has possession of the property of the affiliate (funds, websites, state mailing list)?, (c) Which group in a more general sense (campaign finance filings, contracts, etc.) is the affiliate under State law?”. To look at the merits of a state affiliate internal bylaws dispute would be wrongly claiming the LNC or the JC are the ultimate arbiters of state affiliate bylaws and can meddle in the affairs of state affiliates, in direct contravention of LP Bylaw 5.5. This would flip the very setup of the party on its head, from its current system of federalism with 51 state affiliates which enjoy wide autonomy to a top-down, centrally controlled organization.

Chair Bilyeu is also correct that petitioners have not alleged any bylaw was violated to trigger an avenue for appeal under LP Bylaw 7.12. In fact, it is the reverse: petitioners are annoyed that the LNC is actually following the bylaws. The Judicial Committee has no subject matter jurisdiction here.

5. LAMA-1 vs. LAMA-2: Special Convention and Member Purge

The Mattson opinion does an excellent job of analyzing the bylaws dispute of the Massachusetts affiliate in 5.1, 5.2, and 5.3. I entirely agree with her reasoning and would join in her opinion if we were the Judicial Committee of LAMA or we were authorized and instructed by the national LP Bylaws to arbitrate state affiliate bylaws disputes. However, that would violate the constraints of LP Bylaw 5.5; therefore, in my capacity as a national LP Judicial Committee member I cannot rule on those issues – especially since that relief was not requested in this case and any musings on which group is the legitimate leadership of LAMA would be dicta. If the petitioners had asked us to rule on constructive disaffiliation, I would apply the Wagner criteria as clarified by Bill Hall with straightforward results.

6. Paths Forward

Ultimately, whatever group (LAMA-1 or LAMA-2) is recognized by the LNC, the JC, the Credentials Committee, or national convention delegates has no impact on whether either of those two groups will continue existing claiming to be legitimate affiliate, whether either of those two groups can run candidates, and whether either of those two groups will turn over assets such as bank accounts, websites, social media, data, etc. to the other. Anyone who thinks otherwise does not understand corporate law, non-profit law, or election law. I hope LAMA-1 and LAMA-2 can eventually merge back together and get along; however, nothing this JC can say or do will have that outcome; LP members within Massachusetts must make it happen themselves.

Within Massachusetts, if LAMA-2, national LP members, or registered Libertarians are dissatisfied with LAMA-1’s organization, control of the assets, or recognition by the LNC, they have several paths forward. First, they can use the political process to participate in LAMA-1, become members in good standing, show up at the next state convention, and vote in state leadership candidates of their choice who may amend the bylaws in ways they prefer and reverse the blanket purge. Second, they can litigate

¹ See my dissent in *McVay vs LNC & Hinds vs LNC* (2022) [hereinafter, “Delaware”] for more details.

their bylaws dispute in a court of law to seek a judge's order compelling that the organization and assets of LAMA-1 be turned over to them. Third, they can abandon the assets of LAMA-1, start from scratch building up their own resources, and persuade the Libertarian National Committee to disaffiliate LAMA-1 (for cause, by a 3/4 vote of the entire national committee, not in a period of 6 months prior to a national convention), then affiliate LAMA-2 as the new Massachusetts affiliate (unlike Delaware, this will not require the national party to waste \$50,000 re-acquiring ballot access because LAMA-1 was not ballot qualified).

Disaffiliation is hard to exercise. That is a feature, not a bug. However, it may well be that national LP bylaws are too restrictive with respect to disaffiliation and recognition of competing slates of leadership. I serve on the 2022 LP Bylaws Committee. We have proposed a number of amendments concerning these very issues. First, we have proposed a bylaw change explicitly granting the Judicial Committee the power to arbitrate internal affiliate party bylaws disputes. If that is a power national convention delegates believe should be vested in the subject matter jurisdiction of the Judicial Committee, the right course of action is to explicitly give the body that power rather than watching the body claim that power for itself in direct contravention of LP Bylaw 5.5. Second, we have proposed making it easier to disaffiliate outside of the 6-month window by lowering the requirement from 3/4 of the entire national committee (which has been shown to be impractical to muster even in slam dunk cases) to 2/3 of the entire national committee. Third, we have proposed making it possible to disaffiliate within the 6-month window using a higher threshold of 3/4 of the entire national committee. Fourth, we have proposed defining acceptable causes for disaffiliation rather than leaving that up to the discretion of the LNC and the JC. I am very sympathetic to the arguments in many of these cases; however, I am constrained to follow the bylaws. Change the bylaws and the rulings of future Judicial Committees will change accordingly.

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In the matter of:
Andrew Cordio et. al. vs Libertarian National Committee et. al.

I concur with Chuck Moulton's opinion except for his part 2, "McVay vs LNC & Hinds vs LNC".

I see the Libertarian Association of Massachusetts (LAMA) appeal as significantly different than the LP Delaware appeals of late last year.

Both groups claiming leadership of Delaware LP appealed claiming "constructive" or "de facto" disaffiliation,
An LNC motion for Delaware LP disaffiliation had recently failed,
The appeals were just within the six month window when formal disaffiliation is no longer allowed,
The appeals were at the beginning of critical months in the LNC relationship with LP Delaware leadership.

This unusual set of circumstances created the cause for the Judicial Committee to rule which leadership should be recognized by the LNC, necessitating a compelling circumstance for the Judicial Committee to reluctantly examine the LP Delaware bylaws to provide a ruling to the LNC as requested by both appellants.

In the LAMA case, there are two groups claiming to be properly elected leadership but there was no appeal for relief from a "constructive" disaffiliation caused by the LNC's sustained ruling of the chair, nor appeal at all from the longer recognized group claiming continued leadership. In any case, the timing of the appeal means a determination of LAMA leadership to have no significant consequence for which leadership group is recognized by the LNC.

I find there is not sufficient justification to consider a deviation from our default required respect for affiliate autonomy. An examination of affiliate bylaws to determine properly elected leadership is not usually a matter the LNC or JC should be undertaking, especially within six months of a national convention.

Jim Turney, LNC Judicial Committee

Opinion: Affiliation Revocation and the Six Month Rule

Libertarian Party Bylaws Article Five, Section 6 states: The National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention.

Why did the Founder's create such a rule and why it has been sustained continuously by all subsequent conventions?

The Six Month safe harbor rule was adopted by the committee I chaired at the founding convention in Denver in 1972 to preserve the right of the national convention delegates to determine their own composition. It was also intended to prevent the Judicial Committee members from officially injecting themselves into affiliate party factional disputes and to deter affiliate party factions from seeking official sanction from the Judicial Committee and thereby undermining the national convention delegates authority. Based on our observations of the corrupt behavior of the duopoly parties we thought it likely that bad habits would be taken as good practices for any political party.

State affiliate party autonomy ends when a national convention begins and only resumes after the national convention adjourns – unless the delegates have revoked such autonomy by amending the Bylaws.

Therefore, because the National Committee has no authority to revoke the status of an affiliate, the Judicial Committee has no authority to adjudicate any affiliation dispute in the period six months prior to a national convention.

Once a national convention has convened the delegates may direct the Judicial Committee members to offer opinions on any disputes within the Judicial Committees bylaws jurisdiction. Or the national delegates may amend the jurisdiction of the Judicial Committee to extend or further limit the jurisdiction of the Judicial Committee.

Individual members of the Judicial Committee may offer their personal opinions as members regardless. Official opinions these particular disputes must now only be rendered at the request of the national convention delegates to hear the appeals of the contending factions. Nonetheless, the national convention delegates are the jurors and their verdict is final.

Robinson opinion - 1

I have no official opinion on the merits of the present affiliation disputes. My official opinion here regards the application of Article Five, Section 6's Six Month Rule.

Signed,

D. Frank Robinson
Member, Libertarian National Judicial Committee
May 8, 2022

Robinson opinion - 2

A.16.3 Facsimile of the appeal to the Judicial Committee, submitted by Andrew Cordio on May 9

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Petitioners: Andrew Cordio, as Chair of the Libertarian Association of Massachusetts, representing a constructively disaffiliated affiliate and thereby allowed an automatic appeal as per Libertarian Party National Bylaws Article 5.6.

Interested Parties: Any persons claiming to be current members of the leadership of the Libertarian Party of Massachusetts and/or the Libertarian Association of Massachusetts; the Libertarian National Committee; the Libertarian Parties of Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont; the 2022 national convention Credentials Committee, as well as any other parties the Judicial Committee deems relevant.

Relief Requested: The Appellant requests that the Judicial Committee recognize the State Committee presently led by Andrew Cordio thus rendering null and void the constructive disaffiliation of the Massachusetts affiliate by the LNC and any other related relief that the JC feels just and proper.

Committee Jurisdiction: Libertarian Party National Bylaws Article 5 in its entirety and specially Article 5.6 and 8.2(a)

Petition for Appeal

1. Factual Background

For clarity's sake this Appeal will refer to the Massachusetts affiliate as "LAMA" and the two competing claimants to its legitimate leadership as the "*Graham Committee*" and the "*Cordio Committee*" which is chaired by the Appellant. At times it will be necessary to refer to the predecessors of the *Graham Committee* which case will be referred to the "*Shade Committee*." The members who filed the petition for a special convention as authorized by the LAMA Constitution will be referred to as the "*petitioning members*." The Libertarian National Committee will be abbreviated as LNC, and the national Judicial Committee will be abbreviated as JC. The February 13, 2022, JC decision in the matters of McVay and Hinds of the Delaware affiliate will be referred to as "*Delaware*." The prior JC appeal involving the ruling of the LNC Chair filed on May 3, 2022, shall be referred to as the "first appeal."

The Appellant does not wish to reinvent the wheel in this appeal covering the timeline of pertinent events leading up to these rival claims and its various good faith attempts to persuade the LNC to do the right thing through the present so has prepared an Updated Timeline which can be easily referenced here: https://lpofma.org/wp-content/uploads/2022/05/LAMA_Timeline_rev_1-2.pdf.

Additionally, JC Member Alicia Mattson's opinion in the first appeal exhaustively gives an accurate accounting of relevant parts of both the factual and procedural background. The JC opinions from the first appeal can be found here for easy reference in this matter and for future readers:

https://lpedia.org/w/images/717a/2022_05_08_JC_Ruling_Cordio_vs_LNC.pdf

2. Relevant Procedural Background

On January 23, 2022, the LNC held an electronic meeting to hear issues surrounding an impending controversy regarding the leadership of LAMA (<https://www.youtube.com/watch?v=07G9vxsrH8M>). Since no specific motions were noticed to be heard at this meeting, At-Large LNC member Joshua Smith called for an electronic meeting to take place on February 6, 2022, to tackle the issue of the inevitability of two (2) competing claimants to be the legitimate state committee as the *petitioning members'* Special Convention to hold a recall election of the State Committee was scheduled for later in the month.

On January 30, 2022, LNC Motion 20220130-22 was sponsored and started which attempted to have the LNC interfere in the Credentials Committee by instructing its appointees to vote to report out no delegates from LAMA. The motion failed overwhelmingly. While Appellant would have objected to the LNC inserting itself into a committee of the convention, not a subcommittee of the LNC, at least the motion would have arguably been a *partial* official LNC statement of impartiality. It cannot be entirely known why this motion failed or the motivations of those who voted in opposition. A large reason could have been the poison pill of the direct instructions to the LNC's Credentials Committee appointees. However, the result was the beginning of the LNC distinctly taking a side in a quickly blossoming contest. And ironically that motion was NOT ruled out of order though it clearly interfered in the autonomy of an affiliate by the LNC's own later logic by using its weight to tell an independent committee how to report despite RONR granting that committee independent judgment in circumstances of contested delegate submissions for their report, because as of January 30, 2022, there were not even competing leadership claims from a different state committee, only a claim of unjust expulsions (including several State Committee members) and a failure to call a special convention which the *petitioning members* via the two (2) allegedly expelled *Shade Committee* members had to schedule themselves for the next month.

During the pendency of the above motion, the required number of LNC members canceled the electronic meeting previously called by Joshua Smith and thus his motion directly addressing the impending and inevitable situation was never heard.

As noted in the Updated Timeline, on February 26, 2022, a new State Committee (the *Cordio Committee*) was elected including the Appellant as Chair. The *Cordio Committee* then promptly called LAMA's annual Regular Convention as required by its governing documents. This convention occurred on April 24, 2022, at which all LAMA members were eligible to vote and participate in business at no cost to them and elected the State Committee (which then elected the Appellant as its Chair thus

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remaining the *Cordio Committee* in this appeal) for the next term and its national convention delegates. From the time that the interim State Committee was elected through all the subsequent events, the *Cordio Committee* has been the only legitimate State Committee of LAMA and has tirelessly attempted to gain the national recognition and resources given to all other affiliates including asking its Regional Representation Rich Bowen to introduce a Resolution that would accomplish this recognition on March 23, 2022, which was subsequently ruled Out of Order by the LNC Chair whose ruling was sustained on appeal from that ruling by LNC members. It also continued in multiple good faith attempts to resolve the issue with the *Shade Committee*.

As conceded by the interested parties testifying at the JC hearing on March 28, 2022,, only the narrow issue of the propriety of that sustainment of the LNC Chair's ruling was appealed to the JC on April 3, 2022, via an appeal of at least 1% of the national Party membership along with Andrew Cordio and lost via a tie vote of the JC announced on May 6, 2022. This present appeal was subsequently filed based on the underlying issue of constructive disaffiliation which was not part of the first appeal as the *Cordio Committee*, relying upon the JC's previous *Delaware* opinion which recognized that constructive disaffiliation was a *process*, felt its constructive affiliation was not effectively final while the first appeal was pending as the LNC might be required by the JC to hear the Bowen Resolution and potentially decide in the Appellant's favor, and if it did not, the constructive disaffiliation was for all intents and purposes with this LNC final. That opportunity for the LNC to make such a determination was finally foreclosed on May 6, 2022, which also created a glaring contradiction between two (2) 2022 JC decisions with the *Cordio Committee* being in a position of clear detrimental reliance and the signatory members being utterly confused as to whether it is or it is not against the bylaws for the LNC to examine and determine between credible competing leadership claims or if the Party bylaws had somehow changed in the span of the first quarter of 2022. The 2022 majority *Delaware* opinion authored by Ms. Mattson quoted below was not at all unclear or qualified:

The LNC is actually obligated by the bylaws to know who certain affiliate officers are, and if disputes arise, affiliate autonomy is preserved so long as the LNC accurately applies the affiliate's own rules to determine with whom the LNC will work. It would violate affiliate autonomy for the LNC to substitute its own preferences for those of the affiliate and not let the affiliate's own rules answer the question.

3. Clear JC Precedent/Jurisdiction and Issue of the Standing of the Appellant

The decision of this JC in the *Delaware* matter, and the rationale put forth in the majority opinion is directly on point. Unless the JC is claiming to have constructively rescinded this prior decision in all but fact or believes it is reasonable and expected by the membership for it to simply issue absolutely contradictory rulings within the span of months (and that the Party can function in such an arguably arbitrary environment in which membership and affiliates cannot know if their rights change from day to day even within a single term, nay a single quarter of that term), the precedent for a JC

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decision on this topic absent an express decision from the LNC is clear. **In fact, the absence of a decision by the LNC, for whatever reason, makes it absolutely necessary for the JC to determine if Andrew Cordio even has standing to bring this appeal at all!** To quote the 2022 majority JC opinion in *Delaware*:

When the bylaws give the JC jurisdiction with a phrase such as, "The affiliate party may challenge the revocation of its status..." then to apply this bylaw the JC must of necessity be able to determine whether or not the appellant is legitimately representing the affiliate...The bylaw would be pointless if the JC were precluded from discerning this reality.

The fact that the *Delaware* appeal had two (2) sets of Appellants is a distinction without a difference. Whether or not the *Cordio Committee* is the legitimate governing body of LAMA with whom the LNC must integrate and which is entitled to all the rights, privileges, and bound by the same obligations, does not depend upon the contenders filing a competing appeal. In *Delaware*, the Hinds boards' legitimacy did not pop into existence merely because *McVay, et al* also filed an appeal. There IS in fact a second claimant here even if they have not filed any appeal – the *Graham Committee* - and both the *Graham Committee* and the *Cordio Committee* cannot be the leadership of the one Massachusetts affiliate. Standing must be determined whether there is a single Appellant or a thousand as it is foundational to anything else the JC may consider. If the Appellant has standing, the JC has subject matter jurisdiction.

This quandary may be an odd gap in our bylaws (the Appellant doesn't believe that there is any such gap as expertly addressed by Ms. Mattson in the *Delaware* matter quoted in subpoint 2 above), but here we are, and the JC cannot move a step further without determining if there is standing for an automatic appeal as it did for Mr. Hinds and Dr. Lapore in *Delaware*.

The power to recognize is the power to disaffiliate, and in cases where there are two (or more) claimants It is necessary for JC to be the final arbitrators of that issue even if the LNC believes it cannot or will not do so *expressly* but does so *implicitly* in a way that would be indistinguishable in its effects from an express disaffiliation.

The Appellant realizes that there is no bylaw requiring the JC to follow precedent; however, the parliamentary authority of the national Party, RONR (12th Ed.), notes that precedent is "persuasive," and should be followed in like cases (23:10). The Appellant also believes there is a fiduciary duty to respect decisions made within the same term with the exact same committee members comprising the committee, and this duty does not inure in the same way to decisions farther back in time with entirely different committee members. Otherwise, the members, the affiliates, and the LNC really have no guidance and find themselves floating in mid-air in the space of months. The same "court" re-litigating the same issue within the span of months and coming to absolutely contradictory findings is wrong. Many things in life are simply obviously not the correct path absent any rule. Libertarianism will never succeed if the preceding sentence is not self-evidently true and would be indifferent to the effect each person's actions have on

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others when they have a reasonable and ethical expectation that justice today should not be radically different from justice two (2) months ago.

Appellant agrees with the reasoning of Ms. Mattson in the first appeal on this issue thusly (bold added):

*The appeal does call upon the JC to apply the "precedent" of the Delaware case. **This case is being decided by the same JC members that decided that case.** and the Delaware majority opinion did note, "There is no bylaw which says past JC rulings on similar-fact-pattern cases constitute binding precedent, such that a mistake **made by a previous JC** would compel a later JC to live with the same mistake. That is not a rule of our organization, thus it cannot compel us."*

However, this appeal can be instead viewed as merely incorporating by reference the same logical arguments contained in that majority opinion when the appeal says, "The actions of the LNC contravene its duties under the bylaws to recognize its affiliate which require it to interface with its proper leadership as detailed in this Judicial's [sic] Committee decision in the recent Delaware appeal."

There is a huge difference between the decision of an entirely different JC over a decade ago and a decision made by the same JC two (2) months ago. Appellant would hope that we don't need a bylaw to tell us this and firmly believes that the actual *harm*ed people are left at the curb when the failing side of a prior decision uses a future decision to continue to re-litigate what should obviously be a settled issue, even if that side still disagrees. In that case, Appellant would argue that no one can be asked to vote expressly against their conscience, but that the appropriate action is to abstain for the sake of continuity and stability within one (1) term. It can be easy to forget there are real people behind these papers.

5. Timeliness and Point of Definite Constructive Disaffiliation

Constructive Disaffiliation has the same *effect* as express disaffiliation but cannot neatly fit into the bylaws time-limit requirements for express disaffiliation which makes it particularly insidious. The pertinent bylaw on express disaffiliation is Article 5:6 as follows:

The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation. The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any affiliate

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party within six months prior to a regular convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a regular convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate party status except when the last day of the 30 day period falls within 90 days prior to a regular convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate party status.

a. The concept of notice is inapplicable in constructive disaffiliation

The above bylaw adopts the equivalent of a statute of limitations in which the expressly disaffiliated group must appeal within thirty (30) of receipt of notice of the LNC disaffiliation vote. In constructive disaffiliation there is no express disaffiliation vote so that time frame does not apply. In support, the Appellant once again cites the majority Delaware opinion:

At what point does failure to resolve a disputed-officer problem eventually become constructive disaffiliation? Certainly, an LNC needs a reasonable time to review the situation and decide, but just sitting on their hands over time can result in constructive disaffiliation. They've had more than two months to evaluate this situation.

The exact time frame applies here. There have been multiple attempts to resolve with the *Shade Committee* (and then the *Graham Committee*) as well as the LNC and the result has been them effectively sitting on their hands and attempting to run out the clock. With the sustainment of the ruling of the Chair, that is the clearest date that the constructive disaffiliation can be considered final and ripe, and the attempts to resolve with the LNC deemed an utter failure.

b. With the exception of the dates of the LNC's Response to the first appeal and the JC ruling on same, all other dates are abstractions or part of a burgeoning pattern and practice that did not constitute "notice" even if, for sake of argument, the time frame of "30 days after notice" applies, which Appellant denies

Notice was never formally given by the LNC if it was required in constructive disaffiliation, so no clock has been started. The only dates that can remotely be considered equivalent to notice would be the delivery of the LNC's Response to the first appeal (in which it outright stated that the LNC currently recognizes the *Shade*

Committee, including successors, as the rightful leaders of LAMA) filed on April 22, 2022, or the summary of the JC decision released on May 6, 2022, both regarding the first appeal and even those documents were not delivered to the *Cordio Committee* by the LNC nor designated as notice. A constellation of facts culminating in the last narrow JC decision would trigger the "30 days after notice," if, for sake of argument, that is deemed to be applicable, which Appellant adamantly denies.

If, however, the JC determines, despite the prior unambiguous statement in *Delaware* that constructive disaffiliation is a process that easily can span several months, that there is a time limit on an appeal for constructive disaffiliation, there is only one (1) other potential significant date in which it can be argued that the LNC had made a clear decision to publicly and officially take a side in this dispute, and if the wrong side was taken, would be the *ipso facto* definitive constructive disaffiliation of the rightful affiliate if the *Cordio Committee's* claim is the correct one, which is the claim here.

On April 23, 2022, despite objections raised on the LNC list and by membership, LNC Chair Whitney Bilyeu was a featured speaker *in her role as LNC Chair* at the alleged annual convention called by the *Shade Committee* at which the *Graham Committee* was purportedly elected. Her costs were paid for by the *Shade Committee* – a fact which was problematically not disclosed prior to her ruling that led to the first appeal as should have been required under the LNC Policy Manual and consistent with earlier LNC insistence on strict construction of duties to disclose. Ms. Bilyeu was aware that the *Cordio Committee* had called its annual Convention for the following day. She never attempted to inquire if they would like her to speak since she was already in town nor did she even visit as a guest. Her deliberate choice can be argued to be a definitive statement that the LNC officially put its backing behind the legitimacy of the *Shade/Graham Committees*.

This appeal is filed well within thirty (30) days of all of those events.

The Appellant would note that concurrent with the release of the JC summary of opinions LNC At-Large Representative Richard Longstreth immediately attempted to interfere with the Credentials Committee by insisting that they reverse their prior independent determination that that *Cordio Committee* had the rightful claim as it has the authority to do under RONR 59:21 (12th Ed.) if they had no serious doubts about the correct side in the dispute. Mr. Longstreth insisted to either seat the delegates from the *Graham Committee* or none at all which is an instruction that amounted to a clear repudiation that the *Cordio Committee* is the rightful committee as far as the LNC was concerned. Mr. Longstreth was not challenged in this request which he also made directly to the Credentials Committee using his LP.org email address. The clear implication is that he felt the ruling lent some kind of finality to the issue.

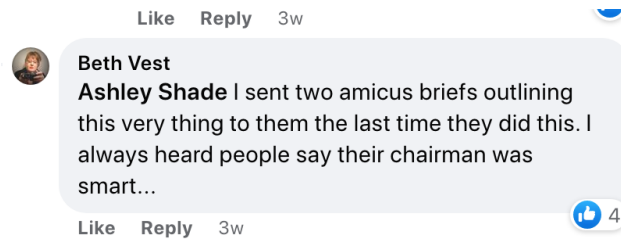
c. *Equitable tolling applies even if, for the sake of argument, the time frame of "30 days after notice" applies, and notice is alleged to have been given more than thirty (30) days ago*

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Assuming solely for the sake of argument that none of the prior arguments are found persuasive including the lack of proof of any delivery of any formal notice from the LNC, the common law principle of equitable tolling would apply which is still recognized in limited form in both Virginia (where the LNC is incorporated) and Massachusetts.

The LNC did not act in good faith after the filing of the first appeal in claiming it was not an interested party since it was not specifically named in the first appeal though the entirety of the first appeal was about a decision of the LNC **as zealously argued by the LNC's own attorney, Oliver Hall**. Libertarians would rightly scoff at such a tactic should it be done by the state or any of the legacy parties. Mr. Longstreth, who has repeatedly defamed this JC and its Chair, insisted that the LNC was specifically told it was not an interested party and thus was prejudiced by not filing a response within the initial seven (7) days.

As a side note, Mr. Longstreth is not alone in his defamation which is notable considering this LNC's prior position on social media posts, but even more egregious is this outright insult by Region 7 Alternate Beth Vest which is a further demonstration of the outright lack of good faith respect for the process and this JC due to their unhappiness with the *Delaware* decision (with the added circumstance of publicly siding with the *Shade Committee*):



Mr. Longstreth was specifically rebutted in a rare social media appearance by Alicia Mattson:

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Alicia Mattson

Since I am on the JC, I do not plan to engage in online arguments about this case, however this post is counter-factual, wrongly accuses Dr. Ruwart of a falsehood, and it is trying to drive an internet mob feeding frenzy.

It is not correct that, "Just yesterday, the LNC was informed that they are a respondent to a complaint for a hearing occurring this weekend." It is not correct that the JC Chair, "...specifically told the LNC Chair last week that we were not an interested party in this case regarding LAMA. Absent that falsehood, we could have had time to prepare..."

Judicial Committee Rules of Appellate Procedure in rule #1 clearly say that the JC can identify other interested parties that might not be specifically listed in the original appeal.

JC members recognized that the LNC is an interested party, thus on April 6 the JC Chair emailed the LNC Chair, "Although you and the LNC are not listed as 'interested parties' in this JC appeal, the ruling requested does involve the LNC." A copy of the appeal was attached.

Further, the JC accepts written submissions from those who are not specifically named as respondents. Even if the email that was sent was misinterpreted to be saying the opposite of what it said, surely the LNC would want to respond to the claims in the appeal which undeniably involve the LNC.

Like Reply 3w



7

Because of the continued insistence of Mr. Longstreth to pursue this tactic, Appellant Cordio filed an amendment to the first appeal making it crystal clear that it was *obvious* that the LNC was a party but to avoid this further drama, he would be amenable to a bifurcated or continued hearing date of the already scheduled April 16, 2022 JC hearing

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to accommodate the LNC as at least some of its members *claimed* to be prejudiced by the early date in order to put a stop to this continued stalling tactic.

In an official legal action in Virginia, tolling may be permissible if a different action was filed within the statute of limitations and was disposed of in a manner that didn't preclude a new action from being filed. This is directly analogous here. In Massachusetts, it is permitted if a plaintiff is affirmatively misled in some manner causing delay (such as in this matter, the frivolous delaying tactic of the LNC that they were not an interested party and the clear prior JC ruling that items such as the Bowen Resolution are absolutely in order); excusable ignorance (in this matter there ARE no explicit rules on time limitations on filing an appeal of constructive disaffiliation and there was no notice delivered by the LNC); or filing within the proper time period but failing to file an effective pleading (which could apply in this matter if the JC feels that the constructive disaffiliation should have been rolled into the other appeal rather than done as a two-step process).

Appellant would note that even a JC member (Tom Arnold) saw political agendas and a lack of good faith as the underlying motivation of at least the LNC Chair's ruling that was the basis of the first appeal as follows:

LNC Chair Whitney Bilyeu then made a statement relating to the danger of turning over the LNC to the Mises Caucus. This led me to believe that her ruling was not made in good faith with the bylaws. It was motivated by a personal political agenda.

Ms. Mattson noted that the LNC Chair further mischaracterized the nature of the prior *Delaware* ruling. Appellant would note that JC Chair Ruwart had multiple prior email exchanges with the LNC Chair correcting her continued public misrepresentations of the ruling. At some point, it is reasonable to think these "misunderstandings" are deliberate.

6. Ultimate irrelevance of the potential for impossibility of this appeal being heard before this month's national Convention

While it might be impossible for the JC, as currently constituted, to resolve the matter depending on whether or not it interprets the hearing time frames mandated in the bylaw on express disaffiliation as applicable here (*i.e.*, there cannot be a hearing any earlier than twenty (20) days from receipt of appeal), it is eminently possible for the JC as a continuing standing committee to deal with this issue after this convention as it does not cease to exist though some constituent members may change via the end of their terms of office. Further, as of this filing, the affiliates of Region 8 have determined that the *Cordio Committee* can enter into a regional agreement with them. Likewise, the Credentials Committee determined that the set of delegates submitted by the *Cordio Committee* should be added to the roll of delegates, and there is a very high likelihood that the convention will choose to seat these delegates in any challenge of their determination (and yes it does matter who is listed in the report despite any inevitable

challenge as those are the delegates that are the presumptive delegates who can vote in any challenge but their own which makes the LNC interference even more inappropriate as such things can impact if some of the LNC retain their seats). Neither of these groups is answerable to the LNC and both acted well within their own independent authority.

The *Graham Committee* could claim that these two (2) bodies have constructively disaffiliated it (though that claim would be tenuous, it could be made). Even now, this issue still is here, absent a JC ruling, and is not going away. The JC, under the principle of being able to determine when constructive disaffiliation exists, is able to adjudicate this matter. It can, effectively, "call balls and strikes," especially when different organs within the Libertarian Party reach different conclusions relating to affiliates. Further, there is high likelihood that a future LNC will consider and adopt the Bowen resolution cited in the first appeal recognizing the *Cordio Committee*. Even if the next LNC Chair ruled that the LNC precedent of that resolution being out of order is binding, that ruling could be overturned on appeal. No matter what happens, there will still be an actionable item before the JC until this issue is resolved and both claimants have resolved to persevere until it is.

7. Arguments Drawn from Background Facts and Procedural Patterns

There is no dispute merely because some random person or group claims there is: at least some credible *prima facie* proof is needed. The *Cordio Committee* has provided such proof laid out in the Updated Timeline with supporting documents attached thereto. The elephant in the room is an open disagreement in the Party over its future direction. This is typical, and to a certain extent, healthy. What is unhealthy are the attempts to win the internal conflict through Machiavellian and undemocratic means and invective. No "side" is innocent of unfortunate rhetoric, but one (1) particular segment routinely uses sweeping accusations that are despicable in any context (despicable about the subjects if true; despicable to make about anyone if not true) without proof. This whole affair is about trying to stop a particular caucus because some people do not like their goals.

As Ms. Mattson noted in her opinion on the first appeal:

Various members of the Shade group have argued the cause for the expulsion was for signing the petition for a special convention, as it was an effort by a caucus within the party to earn leadership seats. Most caucuses in the party desire to elect their caucus members to a majority of seats at various levels of party leadership, and this is nothing new or inherently improper. It is how political movements work.

a. The alleged legitimacy of Graham Committee is entirely dependent on the legitimacy of Shade Committee up through April 23, 2022

The actions of the predecessor to the Graham Committee were blatantly *Ultra Vires*.

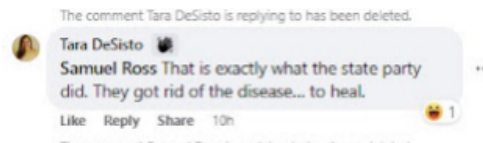
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Ultra Vires Definition:

A Latin term that describes acts outside the permissible scope of authority given by a non-profit entity's governing documents which cannot be ratified by the Board. This common law doctrine

The *petitioning members* followed every LAMA rule to the letter until such point that the *Shade Committee* blatantly breached its own Constitution after which time they made all possible good faith attempts to follow every rule within the power they had without the needed (and Constitutionally-required) cooperation of the *Shade Committee*. In fact, the *Shade Committee* actively obstructed the organization and calling of the special state convention, engaged in defamation of the petitioners for the special convention, and expressed complete

disinterest to the LNC about the grievances of the *petitionary members* with *Shade Committee* member Ms. DeSisto referring to them as a disease.



The *Shade Committee* cannot be allowed to object to any technical deficiencies that were willfully caused **by its own actions** and then use any such deficiencies it caused to justify its own legitimacy nor can the *Graham Committee* do likewise. (For example, the failure of the *Shade Committee* to send out the Constitutionally-required notice is not a failure of the *petitioning members of LAMA*, who used every means at their disposal to provide notice, including adjourning their Special Convention to a later date to give further time for notice and pleas for assistance to the LNC-which pleas fell on deaf ears.) Such logic would be giving a green light to simply ignore Constitutions and Bylaws to usurp power away from membership any time any affiliate leadership did not like the decisions that the membership made and simply say "too bad, so sad" as long as such action occurred within six (6) months of a national Libertarian Party convention so that it could rig its delegation to keep itself, and potentially an LNC that would assist in rubber-stamping its rogue activities, in power. This turns the very idea of Libertarian justice and equity on its head and makes us no better than the corrupt legacy parties.

The Party, at all its levels, is ultimately its members. No representative leadership can simply usurp that identity by summarily expelling any members that are unhappy with leadership and uses rights granted them under an affiliate's governing documents to hold free and fair elections to replace/recall said leadership if the membership so votes. Further, to then claim that a desire to lawfully and orderly replace the leadership through a recall election was aggression against the state committee is a perversion of Libertarian principles and outrageously compounded the offense. To paraphrase our country's framers, our own national Constitution can only stand if the people utilizing it

act morally as it is wholly inadequate to deal with people who will simply disregard it with impunity.

The same principle is true for any rules, including Party governing documents and parliamentary law. It presumes good faith otherwise they will simply grant *carte blanche* authority for wolves to devour the sheep by simply saying "so what" when the rights accorded therein are asserted. What the *Shade Committee* has done is create its own social club and constructively cease being an affiliate of the national Libertarian Party as a political organization that does not discriminate against peaceful persons that hold to and embody the principles contained within the Statement of Principles, in a manner eerily similar to the actions of Will McVay in the *Delaware* matter. It has committed a form of fraud against its members by offering membership on certain terms and conditions, and then denied its own obligations to those members and their rights in bad faith. The black letter of rules is wholly inadequate to deal with bad faith actors in a civil and moral world, and principles of fairness and equity must come into play. There is not enough room on the planet to hold a set of rules that can anticipate every action of bad actors.

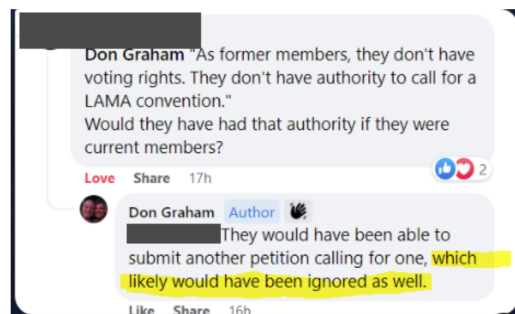
The moment that the *Shade Committee* refused to call the special convention, it engaged in a continuing breach of its Constitution, and its membership had the right to organize to bring the organization under a leadership that would honor its governing documents and its membership, and the former leadership has forfeited any grounds to object.

The *Shade Committee*, through its chosen representative Cris Crawford, did not dispute the basic facts asserted by the *Cordio Committee* and the *petitioning members* as having transpired as of the January 23, 2022, LNC meeting other than risible denials, without any factual support, that their actions violated member rights. Her testimony to the LNC is both enlightening and starkly chilling. The Appellant respectfully requests that the JC review that meeting which can be listened to here:
<https://youtu.be/07G9vxsrH8M>.

The *Graham Committee* is now primarily represented by its purported Chair Don Graham. While the Appellant greatly appreciates the quandary that Mr. Graham finds himself in and notes that he was not part of the offending State Committee that conducted the egregious acts that are underlying this whole unfortunate affair and thus is innocent of those acts, he cannot simply ignore that they happened and conduct himself as if there is now some clean slate in which he is the legitimate Chair. The LAMA Constitution provides that a certain number of members can petition for a special convention as long as an agenda is provided after which a special convention MUST (not optional) be called by the State Committee. The requisite number of members did so. The State Committee then not only refused to do its duty, it instead expelled all of the signatory members in an act that was, as aptly stated by LNC Vice-Chair Ken Moellman in his Amicus Brief filed in the first appeal, "simply awful."

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Mr. Graham has claimed that **at that time** only the *Shade Committee* could have called a different special convention after submission of a new petition after its refusal to honor the prior proper request and its subsequent expulsion of the *petitioning members* and that such new petition would have to be made by other than the improperly expelled members. Why? So they too could be expelled? Cris Crawford already made it clear at the January 23, 2022, LNC meeting that the desire was to purge all the alleged Mises Caucus members or their "sympathizers" and actually states "it wasn't as if they were going to give us their membership list."



The Appellant wants to be very clear to the JC that he believes that Mr. Graham was not making any statement about the present purported leadership. This context involved the *Shade Committee*.

The *Shade Committee*, knowing that members were unhappy and wanted to let membership have the opportunity to replace them (or retain them, something that is rarely mentioned), instead just ignored their own Constitution to retain their power. To be sure these same members could not just replace them with other members that the *Shade Committee* did not like at the next annual Convention, they expelled the *petitioning members* so they could have no future say unless they kissed the ring of the *Shade Committee* and begged to be let back in as long as they could prove they were the "right kind of Libertarian" that would never dare again to commit "petition aggression." That last statement is not an exaggeration. Tara DeSisto, a member of the *Shade Committee*, prior to the mass expulsion made this statement to one (1) of the *petitioning members*:



State Committees, like the Chair or presiding body of any assembly, cannot simply ignore a properly made motion or petition. RONR and general parliamentary law permit "putting the question from the floor" which is in principle what the two (2) allegedly expelled State Committee members did in calling the Special Convention themselves after exhausting every opportunity to work with the State Committee and asking the assistance of the LNC. If that Special Convention was valid, and the Appellant firmly believes it was, Mr. Graham is not the Chair of LAMA as the terms of the *Shade Committee* ended at the Special Convention, and they had no authority to call and/or conduct the annual Convention at which he was purportedly elected.

b. Assuming ONLY for sake of argument that the Special Convention was invalid, the Graham Committee's alleged legitimacy rests entirely on the legitimacy of the alleged annual Convention on April 23, 2022

As Vice-Chair Ken Moellman has stated multiple times, an affiliate is ultimately its members. However, it is impractical to have the entirety of membership govern an affiliate so a board (no matter what name is used in the various affiliates) with officers is given custodianship of and responsibility for its direction and management between regular conventions subject to its governing documents. But the members in convention ultimately express their will that guides the course of the affiliate until the next convention, most powerful through the election of the governing body. Expulsion is the most severe penalty that can be imposed on any member as it deprives them of every right to express their will through their votes and should never be countenanced if it is a barely disguised purge in order to keep certain people in power.

A convention that is essentially rigged by a mass pre-crime purge of members known to oppose the current leadership **because they oppose the current leadership or are "suspected" to belong to a particular Libertarian caucus** (despite other ever-changing and flimsy pretexts) is a sham because the essential nature of a convention is to hear from the membership through their votes. If leadership can just choose their favored members, they have not just governed the affiliate between conventions, they

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are controlling the outcome at convention through illegitimate and abusive gate-keeping and disenfranchisement. It brings to mind that famous quote of Henry Ford, "Any customer can have a car painted any color that he wants, so long as it is black."

At the risk of repeating the fact pattern of the mass expulsion of 47 LAMA members *ad nauseum*, it needs to be faced for the "simply awful" power grab and abuse it was and remains:

On December 19, 2021, LAMA membership submitted a petition with an agenda for a special convention to conduct a recall election of the LAMA State Committee. This petition contained greater than the 10% of valid member signatures required for a special convention in accordance with Article 2, Section 5 of the LAMA Constitution. That same provision provides that if those conditions were satisfied, the State Committee MUST call the special convention and could not change the agenda but could append items thereto. Instead of fulfilling the requirements under its Constitution, members of the *Shade Committee* publicly defamed the *petitioning members* and ultimately, on January 10, 2022, held a secret session without notice of what business would be considered and expelled *en masse* all of the *petitioning members* in violation of basic member rights, due process, and Article 1, Section 3 of the LAMA bylaws, which allow for expulsion of "a person from membership" (not mass expulsions) via secret ballot (not a secret meeting without any notice to the targeted members) for "cause." "Cause" may be broad but one thing it cannot be in a Libertarian Party—these members exercised their rights under the Constitution to peacefully express their unhappiness with the current leadership using a democratic process and belong to a peaceful caucus the current leadership doesn't like.

Often overlooked or downplayed is the fact that two (2) of the wrongly expelled members (Janel Lynn and Charlie Larkin) were then current members of the *Shade Committee* who were given no notice of this intent to consider their expulsion and absolutely no opportunity for due process in express violation of Article 4, Section 10 of the LAMA Constitution. State Committee member Janel Lynn was able to enter the meeting and cast the sole negative vote (the final vote count was 6-1-0 out of a purported nine (9) person committee). Charlie Larkin allegedly had connectivity issues which was reason enough to adjourn to a later time or date. Tara DeSisto was absent and makes much of that fact but neglects to disclose that she voted against reinstating all of the purged members in future votes and to handle any expulsions one (1) at a time and with due process. To add insult to injury, at least one (1) of the members of the *Shade Committee* (Andrew Moore) that participated in the secret agenda-less meeting and cast a vote in favor of expulsion was unquestionably disqualified from holding that position as he had not been a resident of Massachusetts for close to a year in violation of Article 1, Section 1 and Article 4, Section 8 of the LAMA Constitution.

Further the Appellant holds that State Committee Chair Ashley Shade was also disqualified due to Massachusetts General Law - Part I, Title VIII, Section 5A which prohibits candidates for, and holders of, elective public office from serving as a principal officer of a political action committee as follows:

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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.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII/Chapter55/Section5A>

It is undisputed that LAMA is organized with the state of Massachusetts as a political action committee and that Shade was a candidate for City Councilor in North Adams and likely had already assumed office as well by the time of that vote.
<https://www.wamc.org/news/2022-01-01/north-adams-swears-in-new-city-council>
Shade resigned AFTER adjournment of that meeting that same night although she was previously informed of her disqualification of which she claimed to be unaware.

IF both Moore and Shade were disqualified from holding positions on the *Shade Board*, the *Shade Committee* only comprised seven (7) members at the time of this purported mass expulsion vote. Article 4, Section 10 of the LAMA Constitution also requires a $\frac{2}{3}$ vote of the **entire State Committee** for removal of any State Committee member. Both Moore and Shade voted in the affirmative as part of the 6 "aye" votes (despite it being a secret vote, those present are known, there were no abstentions, and the sole no vote was Janel Lynn). If those votes are removed, and the actual size of the State Committee adjusted to seven (7), the vote becomes 4-1-0 which is NOT $\frac{2}{3}$ of the entire State Committee. Even if Shade remained legitimately in her seat, the State Committee would be adjusted to eight (8), the vote count adjusted to 5-1-0 which is still NOT $\frac{2}{3}$ of the entire State Committee. If the expulsions of those two (2) State Committee members was invalid, this too would be a continuing breach of the Constitution and invalidate any State Committee vote made since that day.

Shade Committee member DeSisto calling a recall petition aggression as a manufactured justification for removal does not make it so, any more than someone claiming that she is Queen Elizabeth II will grant her access into Buckingham Palace. While the comparison is humorous, the actual claim by Ms. DeSisto is the death of liberty which logically could denounce the First Amendment right to petition the Government for redress of grievances as a potentially treasonous aggression. There are no brakes on the car careening down the road of "mere opinions and words I don't like are aggression." Unfortunately, this road was paved by the LNC and many of its members who have advocated exactly that doctrine or variations thereof. The next time, it will be even worse because as long as this anti-Libertarian dogma is used to punish the "out group" of the day and given a pass, greater violations are easier as the internal Overton Window is pushed towards the fashionable oppressive woke-ism of the culture rather than Libertarianism: towards collectivist purges that redefine founding Party principles, with leadership claiming that they ARE the Party itself and can decide

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who everyone else can associate with and insure that the membership agrees with them by making agreement with them the precondition to be a member. No circle was ever rounder.

The voting rights of members is part of the *sine qua non* of membership. If persons were invalidly expelled (and the fact that the number of persons allegedly expelled were more than the number of people who attended the purported annual Convention of the *Shade Committee* which was also behind a \$60.00 at-the-door/\$30.00 early bird paywall to participate in business is also quite damning) and thus denied their voting rights, this constitutes a continuing breach of the Constitution and Bylaws under which no actions taken are valid. Thus, if the members were invalidly expelled, all actions taken at the annual Convention, including the election of delegates, changes to the governing documents, and the election of a new State Committee are null and void even IF the expelling *Shade Committee* was still in power and somehow the illegitimate expulsions of Lynn and Larkin didn't invalidate every decision made by *Shade Committee* since January 10, 2022.

c. The Shade Committee had no authority to summarily rule the petition out of order at a State Committee meeting

If the petition was allegedly out of order due to an issue in its agenda, as long as the rules for submitting the petition in the Constitution were followed (which they were), the special convention MUST have been called, and then the presiding officer could rule the agenda out of order immediately after opening gavel giving the affected members the right to appeal from the ruling. This is also basic parliamentary law. However, the agenda was NOT out of order, and Appellant expressly adopts the reasoning of JC Member Mattson in her opinion in the first appeal on this issue contained on pages 9-11. There have been multiple other excuses given in the past but as they seem now to be abandoned by the *Shade Committee* and the *Graham Committee*, the Appellant will not address them unless they are resurrected in this appeal.

The LAMA membership was denied any opportunity to interpret its own documents via an appeal from a ruling of the Chair.

8. Has the LNC in fact "constructively disaffiliated" the Graham Committee or has it remained consistently and staunchly neutral?

Every action of the LNC since it first learned of the impending controversy to the time it became obviously ripe with the election of the *Cordio Committee* has been at best a *de facto* (and at worst open advocacy for) recognition of the *Shade Committee* and then the *Graham Committee* over the *Cordio Committee* with occasional nods to neutrality. Most significantly, all the duties and obligations that the LNC has towards its affiliates as detailed in Appendix A of the majority opinion in the *Delaware* matter have not been directed towards the *Cordio Board* but have been, where applicable, towards the *Shade Committee* and the *Graham Committee*.

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LNC Policy Manual provision 3.02(2) adds additional obligations upon the LNC to its affiliates regarding data. While it is true that the LNC does at times provide data to other persons/groups such as candidates, the Policy Manual creates specific obligations toward affiliates. For example:

The CRM exists as a service to maintain and share data of members, donors, and leads between LPHQ and state-level affiliates.

For states not participating in the CRM:

On a monthly basis, LPHQ will provide all officially recognized state-level affiliates with an encrypted file containing membership and lead data in CSV or Excel format for the area covered by that affiliate, within the first five (5) business days of the month to the affiliate chair, or their designee(s); provided that the recipient has signed the NDA.

The *Cordio Committee* has been offered none of these services which were provided to the *Shade Committee* and now the *Graham Committee*. Similarly, the *Cordio Committee* has not been offered the opportunity to participate in the join membership program established in the Policy Manual, and the official listing of the state affiliates on the national Party website includes a link to the *Graham Committee-controlled* website, with no disclaimer or caution, which solicits donations under the auspices of being the official affiliate. Why would any prospective new member question this? It is on the official national website after all.

The Appellant incorporates by reference the earlier detailed request by At-Large Representative Richard Longstreth under the authority of his position and using his official Party email asking the Credentials Committee to pull the list of delegates submitted by the *Cordio Committee* ideally in favor of those submitted by the *Graham Committee* about which he explicitly stated that **the LNC continues to recognize the legacy LAMA organization and their status as the state affiliate.** (<https://groups.google.com/a/lp.org/g/lnc-business/c/HP0eESglD0c/m/7EoVYW2zAQAJ>). While Mr. Longstreth is neither the Chair nor anyone with any authority to speak for the entire LNC, no one on the LNC challenged that statement so it remains un rebutted. Unlike Mr. Longstreth, Ms. Bilyeu who does carry the authority to speak for the entire LNC subject to any directives issued by the LNC, accepted an expense paid trip from the *Shade Committee* to their purported annual Convention on April 23, 2022, and did appear in her position as the Party Chair for that group. Lastly, the LNC Response to the first appeal bluntly stated that they recognize the *Shade Committee*.

The above clearly fall within the prohibition stated in the majority *Delaware* opinion **if the Cordio Committee IS the rightful representatives of LAMA**, as stated:

LP Bylaws Article 5.6 requires that disaffiliation may only happen with a specified supermajority of the LNC adopting a motion to do so. That inherently means that the LNC is not allowed to effectuate a disaffiliation in some other way, such as refusing to recognize the actual affiliate officers and instead treating others as though they were the affiliate officers.

Any claim that neither the LNC or the JC can figure out if the LNC is engaging in bylaws-prohibited constructive disaffiliation turns the bylaws into an incoherent mess, in their entirety, as they comprise much more than the phrase "shall not abridge the autonomy of an affiliate" which keeps getting repeated (and misquoted as "shall not interfere in the autonomy of the affiliate")like some kind of magic incantation that instantly makes all the obvious glaring contradictions disappear. It is ironic to point out that the LNC cannot know if they are abridging the autonomy of an affiliate **unless they know basic identifying facts about the human beings that are the personal contacts between the LNC and the affiliated entity.**

Appellant would note again that the *de facto* LNC recognition of the *Shade Committee* and the *Graham Committee* is in direct conflict with the **express** recognition of the *Cordio Committee* by the Libertarian Parties of Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont via the execution of the 2022-2024 Region 8 agreement with the *Cordio Board*, and the LAMA subaffiliates of Pioneer Valley, South Shore, Worcester, and Middlesex. In yet another irony the oft-cited bylaw that the autonomy of an affiliate shall not be abridged by the LNC says more than just that. It also includes a prohibition on abridging the autonomy of sub-affiliate parties. Ensnared by their own Kafka trap, the LNC is now abridging the autonomy of the above subaffiliates by presuming to tell them which State Committee they must recognize as legitimate if they are consistent.

9. Interpretative Principles

It is clear that there is a rift on the JC on how to interpret the national bylaws. Appellant does not believe there is such a rift in the bylaws properly interpreted or in the Party at large to whom even the bylaws are answerable as written.

Once again quoting the majority in the *Delaware* ruling:

RONR 56:68(2) provides that when interpretation is necessary, a not-absurd interpretation option must be chosen over one which "renders absurd another bylaw provision." The Appendix A references do not have any clauses which say "unless there is a dispute over who the affiliate

officers are." A decision must be made in order to faithfully comply with these bylaw provisions.

It has been said by persons of good faith that the bylaws must be obeyed even if they lead to a conclusion that is patently unjust. That reduces the purpose and context of the bylaws to a grotesquery. These are not bylaws floating abstractly in space. They are bylaws written in a *Libertarian* context by *Libertarians* to govern a *Libertarian* organization and culture. To ignore that is like reading texts which are heavily steeped in a specific ethnic culture with its own idioms and sensibilities through a distinctly modern majority American lens which will lead to absurd interpretations. No one would want some future interpreter of our culture to think we put kennels on our head every time it rained heavily. This is the art and science of *exegesis*. If there are two (2) possible interpretations of *Libertarian* governing documents, one (1) of which leads not only to injustice, but the type of injustice that is particularly loathsome to *Libertarians* (like thinking the highest authorities in the national Party have to leave people who are victims of disenfranchisement, collectivist purges, and rank authoritarianism without any recourse for justice because of some magical six (6) month window where those in power can indulge in all these things with impunity analogous to *The Purge*) and the other allows justice: the one (1) that is patently unjust is monstrously and obviously incorrect as a perversion of everything we stand for, and the other is correct. There ARE obviously these two (2) possible interpretations as has been argued by highly intelligent people of good faith. The absurd and unjust interpretation is starkly wrong despite being superficially plausible.

10. Brief additional comments following review of the opinions in the first appeal

Most of the information that Appellant wished to reference from the JC opinions on the first appeal have been incorporated above but there are some that don't fit neatly elsewhere but still need to be addressed.

JC Member Moulton appears to blame the *petitioning members* for their own wrongful expulsion because:

The Mises Caucus would almost certainly have succeeded in taking over LAMA if it waited 2 months for the regularly scheduled state convention. Unfortunately, a lack of patience and basic political etiquette led them to jump the gun employing a probably legitimate but incredibly controversial special convention procedure to wrest control of the organization slightly early.

Dr. Moulton appears to be forgetting multiple key facts. More than half of the *petitioning members* had nothing to do with the Mises Caucus and have stated their motivations which directly contradicts his statement. The *Shade Committee* had engaged in what they saw as increasingly authoritarian actions starting with the expulsion of a member for "word aggression" (they stated that social media trolling was actual aggression) and

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then passing a "Code of Conduct" which seemed to them to be designed to be used as a weapon to conduct more expulsions. Expelled members cannot vote. With all due respect to Dr. Moulton, Appellant finds this statement incredibly myopic and demonstrates a failure to listen to what the *petitioning members* have actually said, unless he does not believe they are truthful, but if that is the case, then say it outright.

Further, this statement was simply downright inappropriate to say of over two hundred (200) national Party members:

Chair Bilyeu is also correct that petitioners have not alleged any bylaw was violated to trigger an avenue for appeal under LP Bylaw 7.12. In fact, it is the reverse: petitioners are annoyed that the LNC is actually following the bylaws.

It is understandable that frustrations and emotions run high in these matters and often it becomes necessary to come to distasteful conclusions about motives of individuals or smaller groups, but a collectivist statement about the motives of over two hundred (200) dues-paying members of this Party should never have been made. Appellant believes this was a statement made in haste as we all can do rather than presuming the worst. In a few short years, when this issue is long settled, the wounds inflicted can live on.

Additionally, Dr. Moulton claims that state affiliates are lining up to submit their internal bylaw and leadership disputes to the Libertarian National Committee and to the Judicial Committee to which the Appellant asks, who? It should be easy to produce a list if this is correct.

Finally, the opinion of D. Frank Robinson, a revered and beloved figure in this Party, seemed to be about something that was never argued by any of the interested parties thus far. No one has claimed this was an express disaffiliation. And if the LNC is not allowed to recognize legitimate changes in leadership in the six (6) months prior to the national Convention, then any affiliate which has its conventions in that time frame cannot have its elections recognized. Mr. Robinson may rebut that recognizing the results of conventions is routine. Where does it say that in the Bylaws? Is the LNC just to take the word of Xi Jinping (to use an example from Ms. Mattson) that they are the newly elected chair if they happen to notify the LNC before anyone else can? This is the equivalent of Ms. Mattson's pointed question to Will McVay whether white text giving meeting details on a white background would constitute valid notice.

If our interpretation of our bylaws leads to conclusions that there is a six-month "open season" for leadership to do as it pleases in violating express member rights, there is something flawed about our interpretation no matter what *bona fides* we have in the Party formation and the gratefulness that so many members feel.

11. Requested Ruling and Relief

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The Appellant requests that the Judicial Committee recognize the State Committee presently led by Andrew Cordio thus rendering null and void the constructive disaffiliation of the Massachusetts affiliate by the LNC and any other related relief that the JC feels just and proper.

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A.17 Reproduction of the agreement for the newly formed region consisting of the New England states, New York, and New Jersey

Agreement of Voluntary Association of States for Regional Representation to The Libertarian National Committee.

This Agreement, once signed, shall serve to bind the participating affiliate parties into a Representative Region for the purpose of representation to the Libertarian National Committee(LNC). The Following terms shall constitute the total agreement, and shall outline the process and procedures for the selection of representatives to the National Committee to serve on behalf of the Region. The Numbered identity of the Region shall be determined by the Secretary of the LNC following the submission and acceptance of all regional agreements during the 2022 National Convention process. The states invited to participate in, and reconstitute their existing regional agreement are those who were party to the 2020-2022 "LNC Region 8." (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.)

The following terms shall govern the selection of regional representation to the LNC:

1. The Delegates of the Region 8 states shall elect via an electronic vote, no later than the first saturday following the conclusion of business of the first sitting of the 2022 Libertarian National Convention, both a primary representative and an alternate representative to the Libertarian National Committee.
2. The Regional Representative shall be responsible for publishing regular reports to the National Committee detailing the operations and activities of their constituent affiliate parties, as well as representing the interests of their constituent affiliates during deliberations and votes of the National Committee.
3. The method of electing these representatives shall be separate electronic ballots conducted via OpaVote, and determined by ranked choice voting (RCV). The Election for Alternate shall not begin until the conclusion of the election of the Primary Representative. Once a ballot has been started, each Delegate shall have 48 hours to vote, via a secure link they will receive via email.
4. Primary Representative, and Alternate Representative, to accommodate the greatest representation among the state Parties, shall be residents of different states.
5. The State Chairs shall provide the incumbent Regional Representative (Rich Bowen, NJ) with an updated and accurate list of email addresses for all Delegates to participate in this election. The incumbent Representative shall be responsible for the administration and reporting of the election results.
6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
8. A vacancy in the position of the Primary Representative shall be filled by the promotion of the Alternate Representative to Primary Representative.
9. A Vacancy in the position of Alternate Representative shall be filled by polling the 8 state chairs via approval voting among those candidates nominated from within the region in a manner to be chosen by those chairs.
10. Should a simultaneous vacancy occur in both the Primary and alternate Representatives, the procedures outlined for the replacement of an alternate representative shall be used to fill both positions.

11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

A.18 Reproduction of the report of the Credentials Committee meeting on May 4th, given by Susan Hogarth (from [the LNC list](#)).

Full minutes not finished, but just to keep you informed, the Credentials Committee took the following actions this evening regarding Delaware and Massachusetts, both of which have had two delegations submitted:

- (1) Chris Vellrath, Bill Hinds, Carter Hill, and Dave Casey are the recognized delegates from the Libertarian Party of Delaware.

The first action was without objection.

- (2) Josh Anderson, Jason Brand, Nathan Brand, Andrew Cordio, Patrick Douglas, Thomas Eddlem, Brodi Elwood, Dan Garrity, Janel Holmes, Charlie Larkin, Jacob Nemchenok, Thomas Silvia, John Pazinokas, Stephanie Pazinokas, David Redding, Christopher Thrasher, and Brian Zakrajsek are the recognized delegates from the Libertarian Association of Massachusetts.

The second action was debated and passed with four 'ayes' and three abstentions.

Susan

—

Susan Hogarth
919-906-2106
Region 5 Representative

A.19 Libertarian Association of Massachusetts Governing Documents (accessed March 17, 2022)

A.19.1 [LAMA Constitution](#)

A.19.1.1 The Constitution of the Libertarian Association of Massachusetts

As amended at the 2010 Regular State Convention

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.

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.

Article II: State Convention

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

2. Persons, who are Members of this Organization whose dues are current, and who joined the Organization at least 30 days prior to the date of the State Convention, are eligible to vote and participate in the business meeting at the State Convention. Persons who were dues-paying Members of the Organization, or Sustaining Members of the National Libertarian Party, within the past three years, including a period at least 90 days before the day of the State Convention, but whose Organization dues are not current, may join or rejoin this Organization at the State Convention by paying their yearly dues. They may then vote and participate in the business meeting at the State Convention.

3. The State Convention may endorse candidates for office or it may explicitly endorse running no candidate for an office. If it does so, the Organization will support those candidates to within the limits of State and Federal law and other demands on its resources, and will not support any competing candidates for the same office. In the absence of a State Convention endorsement, either for a candidate or for no candidate, the State Committee may support a candidate for that office, again within the limits of law and competition for resources.

4. The convention shall have the authority by two-thirds vote to adopt or amend a platform.

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.

Article III: Candidates

1. The responsibility for meeting the legal requirements for ballot access rests with each candidate.

2. In the event State or Federal Law authorizes this Organization to place candidates on the ballot, whether to replace candidates, fill vacant ballot lines, or for whatever other reason, in the absence of contrary legal specification or directive of the State Convention, the State Committee is authorized to act on behalf of the Organization for this purpose.

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.

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.

A.19.2 LAMA Bylaws

BYLAWS

(As amended on December 8, 2018)

Preamble

The purpose of these bylaws is to provide the Libertarian Association of Massachusetts ("Organization") with an organizational structure that will:

1. Recruit candidates and help libertarians to run for office;
2. Organize and support local and topical libertarian groups;
3. Perform non-electoral political acts, e.g., referenda, lobbying, and litigation;
4. Recruit members, helping them to do politics;
5. Educate the public on libertarian political directions;
6. Create circumstances favorable to attaining the Organization's objective, by creating politically-effective legally-independent PACs, 527 organizations, and nonprofit or for-profit organizations;
7. Raise and spend money to do its work; and
8. Perform needed internal operations.

Article I. Membership

1. Eligibility for Membership

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

2. Responsibilities of Members

Members are responsible for informing the Membership Director of address changes in a timely way.

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.

4. Memberships Generally

The State Committee may by majority vote set the dues for any category of membership.

5. Communications with Members

The Organization may from time to time send additional notices or items to some or all members. In doing so, it may use any transmission medium appropriate to the notice or item.

6. Interpretation of Article III section 3 of the Constitution

The Organization interprets the phrase "member of the National Libertarian Party, as defined by the Libertarian National Committee charter and bylaws," to mean that the person has signed the membership pledge of the National Party, in the form extant on the date of adoption of the Organization Constitution.

7. Affiliates

An Affiliate is a person who has provided the Organization with their name and email address, and who wishes to be recorded as an affiliate. Affiliates are sent such information and publications as the State Committee may choose. Affiliates are not Members.

Article II. State Convention

1. Annual Convention

The State Committee shall hold a state convention annually. The State Committee is responsible for scheduling, organizing, and publicizing the convention. It may delegate tasks to such persons as it chooses, but remains responsible for the State Convention's conduct.

2. Notice To Include Writing

At least thirty days before a State Convention is held, the State Committee will notify all Organization Members whose dues are current, of the date, location, and time of the State Convention and the next National Convention. This notification may be sent by whatever forms of communication are likely to reach all members, which shall include printed notification to each member.

3. Eligibility To Participate

Only persons who are Members of the Organization whose dues are current, and who joined the Organization at least one month prior to the date of the state convention, are eligible to vote or participate in the business meeting at the state convention. Persons who were: 1) dues-paying Members of the Organization within the past three years, but whose dues are not current, or 2) persons who are Sustaining Members of the National Party, and who were Sustaining Members of the National Party at least one month prior to the state convention, may join or renew their Organization Membership at the state convention by paying their yearly dues. They may then participate in the business meeting at the State Convention.

4. Required Agenda

It shall be out of order to adjourn the State Convention (i) before the new State Committee is elected, and (ii) if the national Convention occurs prior to the next State Convention, before at least one delegate to the next National Convention is elected.

The State Convention agenda shall include at least fifteen minutes for presentation of Amendments to the Constitution and Bylaws. All amendments must be presented to the Corresponding Secretary, by paper or electronic mail, at least 14 days prior to the day of the State Convention, must be posted by the Secretary in a publicly-accessible LPMA-controlled electronic forum at least seven days before the day of the state convention, and must be seconded from the convention floor, before they may be considered. Amendments to amendments made from the convention floor must be germane.

5. Election of State Committee

To elect the new State Committee, the chair asks for nominations from the floor. Self nominations are allowed. Seconds are not required for nominations. Each nominee must accept nomination, or must have submitted to the Recording Secretary a written statement stating that their nomination will be accepted, before their nomination is valid. Nominations for persons ineligible to serve are invalid. When no more nominations are forthcoming from the floor, the Chair invites nominees to speak. Each nominee is allowed up to two minutes to speak. If a nominee is absent, they may designate a substitute to speak for them for up to two minutes. Persons eligible to vote are then given one hour to cast their votes. The Convention may recess or engage in other business during this time. If a recess is taken, the time counts toward the hour, but the convention must be back in session at least ten minutes prior to the close of voting. A ballot collector or collectors and location must be specified, and must remain supervised through the voting period. Votes for persons other than nominees are not valid.

6. Voting for State Committee

Each person present and eligible to vote at the State Convention may cast a ballot for electing State Committee members. The ballot will list the names, and a vote of YES, NO, or ABSTAIN for each nominee. If a particular candidate is not listed on a particular ballot, the vote is recorded as "ABSTAIN".

7. Procedure in Case of Failure to Elect

The nominees who receive the most votes, computed as number of YES votes are elected, up to a total of nine persons elected. If there is a tie, in such a way that not all persons in the tie can be elected without exceeding the size limit of the State Committee, a fresh vote is taken with only the persons in the tie placed on the ballot. The nominees who receive the most votes, computed as number of YES votes are again elected, up to a total of nine persons elected in both rounds of voting. If there is a further tie, in such a way that not all persons in the tie can be elected without exceeding the size limit of the State Committee, the persons in the tie are not elected.

8. Manner of Voting

Proxy votes are not allowed at the State Convention. However, a person who is in attendance at the State Convention, and who is eligible to vote, may cast a ballot for state committee at any time prior to the close of voting, even if nominations have not yet been completed.

9. Special State Conventions

a. Call by the State Committee

The State Committee may by two-thirds vote call a Special State Convention to resolve questions that in its judgement require a decision of the membership. The State Committee shall give thirty days notice to all members eligible to vote at the Special State Convention that there is a Special State Convention, including time and place. To be eligible to vote at a Special State Convention, a person must have been a member in good standing of the Libertarian Association of Massachusetts on the date of mailing of the call to the Special State Convention.

b. Agenda

The Agenda of the Special State Convention, including necessary Rules of Business, shall be transmitted by the State Committee to all members with the call to the convention. The Agenda may not be amended by the insertion of topics or issues not germane to the issues proposed in the original agenda.

Article III. Candidates

1. (CONVENTION 2008) Declaration of Independence

Resolved that the Libertarian Association of Massachusetts is a free and independent body, and as such, it reserves the right to accept or reject any candidate chosen by the Libertarian National Party, or other entity with which the LAMA chooses to affiliate; and if a nationally chosen candidate is rejected, to run no candidate, or such alternative candidate as it may choose.

2. (CONVENTION 2008) Candidate Prioritization

The State Committee shall prioritize running candidates for offices funded by the OCPF account over those funded by the FEC account.

Article IV. State Committee

1. Eligibility for State Committee

Eligibility to be elected or serve as a Member of the State Committee is governed by Article IV, section 8 of the Constitution.

2. Privileges of State Committee Members

Each Member of the State Committee has one vote on all motions before the State Committee. At the Chair's discretion, votes taken by the Members of the State Committee may be cast electronically through a method prescribed by the Technology Director that meets the following requirements:

- a. Each Member of the State Committee shall be informed immediately upon the opening of voting for each vote taken.
- b. Voting shall not be open for a duration longer than seven (7) days.
- c. There shall be no mechanism by which a Member of the State Committee can alter their vote once it has been cast.

3. Responsibilities of State Committee Members

Each Member of the State Committee shall diligently work with all other Members to advance the interests of the Organization.

Each Member of the State Committee shall diligently seek to attend all State Committee meetings. A State Committee Member who misses three consecutive meetings shall be deemed to have resigned from the State Committee.

Each Member of the State Committee shall disclose in writing to the full State Committee any and all conflicts of interest.

No Member of the State Committee shall endorse or support a candidate of another party in a Libertarian party primary, or in a partisan race in which a Libertarian Party member is a candidate. This Bylaw does not apply to the immediate family or significant others of State Committee Members. This Bylaw does not apply to State Committee Members supplying commercial services as part of and during the course of their usual and regular business.

4. Discipline of State Committee Members

Discipline of State Committee Members is governed by Article IV, section 10 of the Constitution.

5. (CONVENTION 2007) Platform Presentation

In presenting the platform to the public, the State Committee shall re-order the planks to group them by subject and present them with appropriate subject headings.

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."

7. Restrictions on manner and use of funds

a. Appropriation required

State Committee funds may only be spent after authorization by the State Committee. Authorizations are by majority vote of the Committee. Consistent with FEC and OCPF reporting standards, the State Committee shall maintain all financial records and reports on a cash basis.

b. Long-term obligations

To make a contract that persists more than three months beyond the next Regular State Convention, the State Committee must sequester enough money from its current Treasury to pay the full cost of the contract. The State Committee may not vote to sequester in total more than 15% of the State Committee's funds to pay contracts. While, as a result of changes in fund balances, more than 15% of the State Committee's funds are sequestered, the sequestered funds remain sequestered, but no additional funds may be sequestered. If money has been raised to pay for a project, and is sequestered to pay for that project, that money when sequestered does not count against the 15% limit.

c. Neutrality

State Committee funds and employees may not be used to support candidates for election to the State Committee.

d. Employment

State Committee Members may not be paid for their work for the State Committee. They may be reimbursed for reasonable expenses if the State Committee approves funds for the purpose.

e. Self-dealing

Firms owned by State Committee Members may do business with the State Committee, but the State Committee or its designees shall demonstrate to the Membership that the State Committee is paying no more than normal commercial rates.

8. Suspension

The State Committee may not vote to suspend the Bylaws.

9. Rules of Order

All State Committee Meetings are run under Francis and Francis Democratic Rules of Order as interpreted by the voting members of the Committee unless specifically otherwise provided. Application of the Rules of Order shall facilitate, not obstruct, the advance of business.

Article V. Bylaws, Rules, and Amendments

[This section intentionally left blank.]

Article VI. Delegates to National Convention

1. Eligibility

Eligibility of persons to be elected as delegates to a National Convention is governed by Article IV, section 6 of the Constitution.

2. Privileges of Delegates

A delegate may promise their vote for or against a candidate, but such promises are not enforceable except by the delegate's conscience.

3. Responsibilities of Delegates

No Region formation agreement involving Massachusetts may be approved by any person unless the exact agreement has already been approved by the State Committee or the National Convention Delegation; however the National Convention Delegation shall not form a region if a region including Massachusetts has already been formed.

State Committee approval or disapproval is by majority vote at a properly called State Committee meeting held in Massachusetts. National Convention Delegation approval requires an affirmative majority vote by an absolute majority of all persons appointed by the State Convention to serve as Massachusetts delegates, as described elsewhere in these Bylaws, and who are in attendance at the National Convention.

The Libertarian Association of Massachusetts henceforth deems any agreement purporting to bind Massachusetts but signed without voted approval to be invalid, as a violation of the party statement of principles, namely as a use of fraud for political purposes.

4. Discipline of Delegates

[This section intentionally left blank.]

5. Election at the State Convention

Delegates are nominated from the floor of the convention. Any person eligible to vote at the State Convention may make up to two nominations. Any person eligible to serve may rise and state that they volunteer to serve as a delegate; volunteering counts as a nomination. Nominations do not require seconds.

Before any votes are taken, each nominee may speak to, and be questioned by the delegates. The time allotted to each delegates for statements and questions shall be set by the chair, to be the same for all delegates and strictly enforced, but not to be less than one minute. After each nominee has spoken, nominations are declared closed. The time between which nominations are closed and ballots are accepted shall be at least two hours.

Election of National Convention delegates is made by approval voting. Each person in attendance at the State Convention and eligible to vote may cast votes for as many persons as Massachusetts is entitled to send delegates. The nominees who receive the most votes, up to the number of delegates that Massachusetts is entitled to send to the National Convention, are elected. No nominee shall be considered elected if they do not achieve 50% of the votes at the convention. Remaining nominees, up to a number equal to the number of delegates that Massachusetts is entitled to send to the National Convention, are elected as alternates.

If any part of the number of delegates that Massachusetts is entitled to send to the National Convention has not been computed by the National Libertarian Party prior to the State Convention, the Recording Secretary shall make the identical computation based on the most recent election or membership data available at least two weeks prior to the convention. Delegates will be chosen as stated in this section with the additional consideration that the official delegate seats will be filled first by the ex Officio state committee members and the delegate candidates with the highest vote totals, and the conditional delegate positions will be filled next by the candidates with the next highest vote totals. If the official delegation is less than the conditional delegation, the delegates that were elected with the lowest vote totals will have their status changed to alternate, but they will have precedence over the other alternates for filling vacant delegate seats at the National Convention. In this case the number of alternates will be allowed to exceed the number of delegates.

The persons elected as Delegates or Alternates to the National Convention comprise the State Delegation.

Delegates and alternates shall be notified by the Chair via e-mail about their status and eligibility to attend the national LP convention, at least 30 days prior to the national LP convention and at any time that their status as delegate or alternate changes.

6. Election Following the State Convention

Between the close of the most recent State Convention and the National Convention, the State Committee may by majority vote elect additional delegates or alternates to the National Convention as needed to complete the delegation. Within one week before the National Convention, the State Delegation may meet at the convention site and by two-thirds vote elect additional delegates or alternates to the National Convention as needed to complete the delegation. In the event that the number of delegates and alternates at the National Convention exceeds the number of delegates to which Massachusetts is entitled, delegates and alternates elected at the state convention shall be seated before delegates and alternates elected by the state committee, with delegates elected by the State Delegation being seated only after all other delegates are seated. To be elected as a Massachusetts Delegate by the State Committee or by the State Delegation, a person must have been eligible to be elected by the State Convention as a delegate.

7. Seating Order of Delegates

a. Generally

In the event that more persons are present at the National Convention, wishing to be seated as delegates, than there are available seats, delegates shall be seated in the following order:

- i. Current State Committee Members who exercised their right to be named as delegates ex-officio at the State Convention.
- ii. All other persons elected as delegates at the State Convention.
- iii. All persons elected as alternates at the State Convention.

- iv. Other State Committee Members.
- v. Any person elected as a delegate by the State Committee after the State Convention, but before the National Convention.
- vi. Any person elected as an alternate by the State Committee after the State Convention, but before the National Convention.
- vii. Any person elected as a delegate by the State Delegation at the National convention.
- viii. Any person elected as an alternate by the State Delegation at the National convention.

b. Intra-class order

With each of the above classes of person, the order of seating shall be:

- i. State Committee members-in order of total votes received for their own election.
- ii. Persons elected by the convention-in order of total votes received.
- iii. Persons elected by the State Committee or the State Delegation-in chronological order of election.

c. Remaining conflicts

Any conflict in seating remaining, after the above priorities have been applied, shall be resolved by the Chair of the State Delegation or their designee using a draw of playing cards or other agreeable method of random selection.

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.

Only Voting Members of the State Committee may serve as Chair, Political Director, Operations Director, Fundraising Director, or Treasurer. All other Offices may be held by any member of the Organization. Officers who are not Voting Members of the State Committee may speak in State Committee debates involving their areas of responsibility on the same basis as Voting members.

No person may concurrently serve as more than one of Political Director, Operations Director, or Treasurer. The Chair may not serve as Treasurer.

2. Privileges of Officers

Each Officer may form a committee of Organization members and other volunteers to help perform their duties, but the Officer remains entirely responsible for seeing that those duties are performed.

The primary signatory on Organization bank accounts shall be the Chair, or another State Committee member designated by the Chair and approved by majority vote of the State Committee. The Treasurer shall be a signatory, but shall not serve as primary signatory once the primary signatory has been legally established.

3. Responsibilities of Officers

a. Generally

No Officer may spend or commit the spending of Organization funds unless those funds first have been appropriated by the State Committee. The State Committee may appropriate contingency funds for an Officer or Officers, to be spent as the Officer or Officers specify, subject to State Committee rules on documentation of

expenditures. The State Committee may authorize the payment of regularly recurring bills without separate appropriations.

Each Officer shall provide to the State Committee a monthly report summarizing the Officer's activities since the last such report and such other items as the State Committee deems relevant.

b. The Chair

- i. presides at all State Committee meetings at which they are present, unless they recuse themselves;
- ii. proposes the agenda for all State Committee meetings;
- iii. is the honorary spokesperson for the Organization;
- iv. assists and inspires LPMA Members and Chapters to work to achieve our political goals; and
- v. is primary signatory on Organization bank accounts.

c. The Treasurer

- i. maintains the Organization's financial records;
- ii. manages the Organization's financial accounts and donation systems;
- iii. files Federal, State and other financial reports as required by Federal or State law or regulation;
- iv. is a co-signatory on Organization bank accounts;
- v. serves as comptroller, ensuring that funds are received, spent, and reported in compliance with Law and Organization By-Laws and State Committee actions; and
- vi. at each regular state convention, provides a financial report including income and expenditures for the immediately prior October 1 to September 30, and for any immediately prior year on which no report has yet been made.

d. The Recording Secretary

- i. takes minutes of all State Committee meetings;
- ii. circulates State Committee minutes to the Membership via the Organization Newsletter, web pages, and other means generally accessible to members; and
- iii. maintains the electronic archival record of state committee minutes in a form and location generally accessible to members.

e. The Membership Director

- i. maintains the membership and mailing list records of the Organization. Records include but are not limited to records of current and past members, people who contacted LPMA, donors, and volunteers, including names, addresses, other contact information, and volunteer tasks;
- ii. attracts new members, seeks to improve the membership experience, responds to member questions and concerns, and notifies members that their memberships have or will expire; and
- iii. supplies membership and other information, for the good of the Organization, consistent with State Committee policy.

f. The Political Director

- i. oversees and supports candidate recruitment, candidate support, public education, and other political activities;
- ii. presides at State Committee meetings if the Chair is absent; and
- iii. performs the duties of Chair if the post is vacant.

g. The Operations Director

i. oversees and supports the non-political activities of the State Committee.

h. The Fundraising Director

i. conducts fundraising for the Organization.

i. The Communications Director

The Communications Director shall be in charge of official communications in print or electronic format from the LPMA, including the monthly Newsletter, Press Inquiries, and content represented on Social Media Platforms. The Communications Director shall have the ability to appoint deputies in the form of a Press Secretary, Newsletter Editor, Social Media Manager, and other assistants titled as necessary.

j. The Technology Director

i. maintains the Organization website and other electronic sites; and

ii. ensures that Organization electronic sites are appropriately owned or registered by the Organization, and that multiple officers have an archival record of electronic site passwords and other needful ownership data.

k. The Archivist

i. maintains a dated physical file of all State Committee minutes, mailings, and other documents, and associated audio and video recordings.

4. Discipline of Officers

The State Committee may remove an Officer from office by a simple majority vote.

5. Authorization to Create Subordinate Office

The State Committee and its Officers shall have the ability to create subordinate offices to facilitate organizational structure and tasking, to include deputies, assistants, and team leaders who shall be given appropriate title, assigned specific duties and accountable to a particular Officer of the State Committee or designee. These positions shall have only that authority which is specifically delegated to them by their supervising Officer, which shall not exceed the authority given to that Officer by the Constitution or By-Laws of the Association and shall not include representing that Officer in any capacity on the State Committee.

Article VIII. Sub-Affiliates

The bylaws of the National Libertarian Party state:

"No person, group or organization may use the name 'Libertarian Party' or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws. (Article V section 1)

"There shall be no more than one state-level affiliate party in any one state. Each state-level affiliate party shall, in accordance with its own Bylaws and these Bylaws, determine who shall be its delegates to all Regular Conventions. A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name 'Libertarian Party.'" (Article V section 3)

1. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws.

2. Membership

All subsequent members of a sub-affiliate who qualify for membership in LAMA according to LAMA requirements shall be deemed members of LAMA unless they opt out.

3. Revocation

The State Committee may revoke the charter of a sub-affiliate for cause by 3/4 vote of State Committee members at a State Committee meeting.

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.

Standing Rules

1. Membership Dues

In setting dues for each category of membership, the State Committee shall regularly confirm that the amount paid more than covers the marginal cost of the membership.

2. Resolutions

Members may propose non-binding resolutions to the State Committee. Approval requires 2/3rd of committee members. Members may propose non-binding resolutions at State Convention. Approval requires 2/3rd of voting members.

APPENDIX C – DOCUMENTATION PROVIDED BY THE "GRAHAM GROUP"

We ask that the Chair rule this motion out of order, as there is no new information provided by the group that claims to be the LAMA organization which substantially alters information in the previous similar motion. This motion was previously ruled on by the prior LNC Chair, upheld by the rest of the committee, supported by the LNC Counsel, and upheld by the Judicial Committee twice when they failed to overturn the Chair's decision.

The previous Chair correctly noted that "...the Resolution fails to cite any provision of the LP Bylaws that authorizes the LNC to adjudicate whether a state affiliate violated its own Constitution and Bylaws, or to revoke recognition of a state affiliate's State Committee on the basis of such violations."

The group that claims to be LAMA is asking for the LNC to recognize an election held on April 24, 2022, which is in error, as LAMA held the election on April 23, 2022, at its annual convention. If the LNC were to give preference to results from April 24th to decide the LAMA committee, it would be against what the membership voted on. The LNC has no such authority to do this, and LAMA has no obligation to recognize anyone chosen by the LNC as its committee.

Attached is the previous Chair's summary.

**BEFORE THE JUDICIAL COMMITTEE
OF THE LIBERTARIAN PARTY**

RESPONSE OF THE LIBERTARIAN NATIONAL COMMITTEE TO EMERGENCY
PETITION FOR APPEAL FILED BY PETITIONERS ANDREW CORDIO, ET AL.

Pursuant to Judicial Committee Rule of Procedure 4, the Libertarian National Committee ("LNC") respectfully submits this Response to the Emergency Petition for Appeal ("Petition") that Andrew Cordio and several Libertarian Party members ("Petitioners") filed on April 3, 2022.

Introduction and Factual Background¹

This matter arises from a dispute between the Libertarian Association of Massachusetts ("LAMA") and a group of LAMA members whom the LAMA State Committee apparently expelled on January 10, 2022. Petitioners contend that this expulsion violated LAMA's Constitution and its Bylaws. Some or all of the expelled members therefore organized a special convention at which they elected their own State Committee on February 26, 2022. Then, on March 23, 2022, LNC members Rich Bowen and Pat Ford moved a Resolution to Recognize the Rightful State Committee of the Libertarian Association of Massachusetts (LAMA) (the "Resolution"), which would establish that the LNC "recognizes" the state committee elected at the expelled members' special convention as the LAMA State Committee.

The Resolution does not address the impact it would have, if adopted, upon the original LAMA State Committee. Under Libertarian Party Bylaws ("LP Bylaws") 5.3, however, "[t]here shall be no more than one state-level affiliate party in any one state." If the Resolution were adopted, therefore, LP Bylaw 5.3 would require that the LNC revoke its recognition of the original LAMA State Committee as the governing body of the Massachusetts state affiliate.

On March 24, 2022, the Chair ruled that the Resolution was out of order, citing LP Bylaw 5.5 ("The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws."). That ruling was sustained by a vote of the full LNC on April 1, 2022. Petitioners then filed their Petition on April 3, 2022, initiating this appeal.

According to Petitioners, the LNC not only has the power, but the duty, to consider and vote upon the Resolution. That is incorrect. By its express terms, the Resolution seeks to insert the LNC into a state-level dispute between two entities, each of which claims to be the LAMA State Committee, for the sole purpose of determining that one entity violated the state affiliate's Constitution and Bylaws, while the other complied with them, thus entitling the latter entity to formal recognition as the LAMA State Committee. Notably, the Resolution fails to cite any provision of the LP Bylaws that confers such authority upon the LNC, nor could it. The LP Bylaws do not empower the LNC to sit as a judiciary over state affiliates for the purpose of determining whether they comply with their own Constitutions or Bylaws, much less to recognize new leadership of a state affiliate by means of an LNC resolution. On the contrary, the LP Bylaws

¹ For purposes of this Response, the LNC relies on the facts alleged in the Emergency Petition for Appeal.

expressly prohibit the LNC from abridging the autonomy of state affiliates "except as provided by these bylaws." LP Bylaws 5.5.

Furthermore, Petitioners do not dispute that LAMA was duly granted affiliate party status pursuant to LP Bylaw 5.2, and that the LNC properly recognized its State Committee as LAMA's governing body at least until January 10, 2022, when the State Committee voted to expel a number of members. Petitioners claim, however, that the LNC must adopt a resolution that recognizes a new entity as the LAMA State Committee, because the LNC's failure to do so would render the new entity a "constructively disaffiliated" affiliate. But Petitioners ignore the fact that the Resolution would require the *actual disaffiliation* of the entity that all parties agree was the properly recognized LAMA State Committee at all times prior to January 10, 2022.

The Resolution thus places the LNC in the position of choosing between the "constructive disaffiliation" of an entity the LNC has not previously recognized as an affiliate, or the actual disaffiliation of an entity that the LNC has undisputedly recognized as an affiliate at all times relevant to this matter. As set forth below, however, the Chair's ruling that the Resolution was out of order does not contravene any LP Bylaw, and the LP Bylaws do not authorize the LNC to take the action that the Resolution contemplates. That ruling should be upheld.

Judicial Committee Jurisdiction

Petitioners assert that the Judicial Committee has jurisdiction over this matter pursuant to LP Bylaws 8.2(a) and 8.2(d). LP Bylaw 8.2(a), which governs matters involving "suspension of affiliate parties" pursuant to LP Bylaw 5.6, is plainly inapplicable here. Under LP Bylaw 5.6, there is only one procedure by which the LNC may "revoke the status of an affiliate party" – it must do so "by a vote of 3/4 of the entire National Committee." LP Bylaws 5.6. The LNC has not undertaken any such vote. Therefore, LP Bylaw 8.2(a) does not confer jurisdiction upon the Judicial Committee over this matter.

Petitioners nevertheless assert that LP Bylaw 8.2(a) allows the Judicial Committee to exercise jurisdiction over this appeal because the LNC's failure to adopt the Resolution amounts to "constructive disaffiliation" of a state affiliate. But the term "constructive disaffiliation" does not appear anywhere in LP Bylaw 8.2, which establishes the sole and exclusive basis for the Judicial Committee's exercise of subject matter jurisdiction. L.P. Bylaw 8.2 ("The subject matter jurisdiction of the Judicial Committee is *limited to* consideration of *only those matters expressly identified as follows...*") (emphasis added). Nor does "constructive disaffiliation" appear anywhere else in the LP Bylaws. Further, Petitioners themselves make no attempt to define the term, but simply assert that it supports the Judicial Committee's exercise of jurisdiction under LP Bylaw 8.2(a) here. What LNC action then rises to the level of a "constructive disaffiliation"? In Petitioners' view, taking no action at all, as the LNC has done here, is sufficient. Petitioners thus invite the Judicial Committee to expand its jurisdiction far beyond the specific bases enumerated in LP Bylaw 8.2 – in direct violation of that bylaw – without any identifiable limiting principle. The Judicial Committee should reject the invitation.

If the Judicial Committee has jurisdiction over this matter, therefore, it must be pursuant to LP Bylaw 8.2(d). Under LP Bylaw 8.2(d), the Judicial Committee has jurisdiction over matters

involving “voiding of National Committee decisions”. LP Bylaw 8.2(d) (citing LP Bylaw 7.12). The LNC does not dispute that the Chair’s ruling the Resolution out of order, as upheld by the LNC, is a decision for purposes of LP Bylaw 8.2(d). The scope of the Judicial Committee’s review of that decision is limited, however, by LP Bylaw 7.12, which LP Bylaw 8.2(d) cites. LP Bylaw 7.12 specifies that the Judicial Committee “shall” consider whether the decision “contravenes specified sections of the bylaws.” LP Bylaw 7.12. Accordingly, the only issue properly before the Judicial Committee is a narrow one: whether the Chair’s ruling the Resolution out of order contravenes any specific bylaw or bylaws, and that ruling may not be “vetoed by the Judicial Committee” unless it does. LP Bylaw 7.12

The Resolution

The Resolution, if adopted, would require that the LNC “recognize[] the results of election at the special convention [held by the expelled LAMA members] and the State Committee elected therein.” As noted above, the Resolution does not address the impact that such action would have upon the original LAMA State Committee, which the LNC presently recognizes, and Petitioners likewise fail to address the issue. If adopted, however, the Resolution would require that the LNC revoke its recognition of the original LAMA State Committee. LP Bylaw 5.3 (“There shall be no more than one state-level affiliate party in any one state.”). The Resolution would establish new leadership of the Massachusetts state affiliate.

The asserted basis for the LNC to take such action is that the LAMA State Committee allegedly violated LAMA’s Constitution and Bylaws, whereas the expelled LAMA members complied, at all relevant times, with LAMA’s Constitution and Bylaws. In particular, the Resolution avers that:

- The petition for a special election that LAMA members submitted on December 19, 2021 “contained greater than 10% of valid member signatures” and thus complied with Article 2, Section 5 of the LAMA Constitution;
- The petition “was submitted with an agenda,” and thus complied with another quoted but unspecified provision of the LAMA Constitution;
- The petition was “properly constituted”;
- The LAMA State Committee’s response to the petition was “was to expel en masse all petition signatories, in violation of basic member rights, due process, and Article 1 Section 3 of the LAMA bylaws, which allow for expulsion of ‘a person from membership’ (not mass expulsions)”;
- The LAMA State Committee’s “vote to expel LAMA members was taken during a supposed State Committee meeting that had no agenda, thus denying targeted members notice of any proposed action against them and an opportunity to defend themselves,” and also that “the meeting was called to order in closed session, against longstanding custom (their parliamentary authority does not address the topic at all), and contrary to the public notice given”;

- The LAMA members were “wrongfully expelled” and among them were “two State Committee members who were denied any access to due process,” and this action violated Article 4, Section 10 of the LAMA Constitution;
- A member of the LAMA State Committee “has not been a resident of Massachusetts for close to a year” but still “cast their vote for the expulsion,” and this action violated Article 4, Section 8 and Article 1, Section 1 of the LAMA Constitution;
- Two “duly elected members” of the LAMA State Committee organized and conducted a special convention in compliance with Article 2, Section 5 of the LAMA Constitution, and these members “provided notice to the extent possible given deliberate obstructive actions and omissions by former State Committee members”;
- A “new State Committee” was elected at the special convention, and their election complied with Article 2 of the LAMA Bylaws and Article 2 of the LAMA Constitution;
- The elective offices of the LAMA State Committee are “now filled” by certain named individuals; and
- The “newly elected State Committee” has noticed LAMA’s annual convention for April 24, 2022, at which time LAMA’s next State Committee and national convention delegates “will be elected”.

The foregoing factual findings and legal conclusions constitute the sole basis for the action proposed by the Resolution. Notably, however, the Resolution fails to cite any provision of the LP Bylaws that authorizes the LNC to adjudicate whether a state affiliate violated its own Constitution and Bylaws, or to revoke recognition of a state affiliate’s State Committee on the basis of such violations. The Resolution simply assumes that the LNC properly serves as judge, jury and executioner in such matters.

The Chair’s Ruling That the Resolution Is Out of Order Should Be Upheld

1. The Chair’s Ruling Does Not Contravene Any LP Bylaw.

As stated above, the Chair’s ruling that the Resolution is out of order cannot be vetoed unless the Judicial Committee concludes that it “contravenes” a specified section or sections of the LP Bylaws. LP Bylaw 7.12. Yet the Petition does not even attempt to identify any specific bylaw or bylaws that the Chair’s ruling purportedly contravenes. It only asserts that “[i]mpacted Bylaws include the entirety of Section 5.” Petition at 7. Any matter involving a state affiliate arguably “impacts” Section 5, of course, but the Chair’s ruling does not contravene the entirety or any part of it. Rather, the Chair’s ruling is consistent with Section 5.

The LNC has played no role in the dispute between the LAMA State Committee and the members it expelled. Prior to that dispute, the LNC’s actions with respect to LAMA were at all times consistent with Section 5. The LNC duly recognized LAMA as a state affiliate pursuant to

LP Bylaw 5.2 and it has properly recognized LAMA as a state affiliate ever since. Now that the dispute has arisen, the LNC has properly declined to take any action to resolve it, consistent with LP Bylaw 5.5's mandate that a state affiliate's "autonomy ... shall not be abridged" by the LNC "except as provided by these Bylaws." The Chair's ruling the Resolution out of order complies with that mandate. It properly leaves this state-level dispute to the state affiliate to resolve. The Resolution, by contrast, would have the LNC intervene for the express purpose of revoking recognition of the existing LAMA State Committee by recognizing a new one. There could hardly be a greater abridgement of a state affiliate's autonomy.

Because the Chair's ruling does not contravene any LP Bylaw, there is no basis for it to be vetoed under LP Bylaw 7.12. The Petition should be denied.

2. *The LP Bylaws Do Not Authorize the LNC to Take the Action Contemplated by the Resolution.*

There is no question that the LNC has the power to "revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee." LP Bylaws 5.6. Further, "cause" for such revocation might include the LNC's conclusion that the affiliate had violated its own Constitution or Bylaws. But the Resolution does not seek to revoke LAMA's status pursuant to LP Bylaw 5.6. Instead, the Resolution would accomplish only one result: its adoption would replace the existing LAMA State Committee with a new State Committee.

Neither the Resolution nor Petitioners identify any LP Bylaw that authorizes the LNC to take action that effectively replaces an affiliate's leadership, and with good reason. As explained above, such action would abridge the affiliate's autonomy, in clear violation of LP Bylaw 5.5. And LP Bylaw 5.5 expressly states that the LNC may not abridge an affiliate's autonomy "except as provided by these Bylaws." Because Petitioners do not and cannot cite any LP Bylaw that authorizes the LNC to take the action contemplated by the Resolution, their appeal should be denied on that ground as well.²

Even if the LNC had authority to revoke its recognition of an affiliate's State Committee and recognize a new State Committee by means of a resolution requiring a simple majority, as opposed to the 3/4 majority required for revocation under LP Bylaw 5.6, the asserted basis for the LNC to take such extraordinary action here is far from clear. The Resolution asserts, for instance, that the LAMA State Committee's decision "to expel en masse all petition signatories" violated Article 1, Section 3 of the LAMA Bylaws, because that provision "allow[s] for expulsion of 'a person from membership' (not mass expulsions)." But the power to expel "a person" necessarily includes the power to expel *any* person. Nothing in the text of Article 1, Section 3 of the LAMA Bylaws supports the conclusion that the State Committee lacks power to expel more than one person at a time.

To be sure, the LNC may disapprove of the LAMA State Committee's apparent expulsion of a substantial number of members by means of a single vote, but the LAMA Bylaws vest it with the authority to do so. Petitioners' objection to the State Committee's exercise of that authority

² Significantly, at present the LNC does not even have authority to revoke LAMA's status as an affiliate, because it "shall not revoke the status of any affiliate party within six months prior to a regular convention." LP Bylaws 5.6.

does not give the LNC authority to undo that action by means of a resolution that would replace the State Committee with a new one.

**The LNC Has Power to Take Appropriate Action to Address Petitioners' Concerns
Without Exceeding Its Authority Under the LP Bylaws**

Petitioners claim that the LNC's failure to adopt the Resolution is necessary to prevent the LNC from "giving data, services, directing potential members, directing potential donors, and recognizing lists of delegates submitted by any other than the rightful leadership...." Petition at 7. But the LNC can take other actions to prevent that harm, which do not exceed its authority under the LP Bylaws or abridge a state affiliate's autonomy in violation of LP Bylaw 5.5. For example, the LNC could resolve not to share data, services or other resources until the dispute involving LAMA is satisfactorily resolved. Additionally, following the next regular convention, the LNC could revoke LAMA's affiliate status pursuant to LP Bylaw 5.6. The LNC could also express its disapproval of the LAMA State Committee's alleged actions by means of a motion to censure.

Adoption of the Resolution, by contrast, would set a dangerous precedent. It would establish the LNC as the ultimate arbiter of any internecine dispute within state affiliates, including disputes over whether they have complied with their own Constitutions and Bylaws, notwithstanding the lack of any apparent authority for the LNC to wield such power. If the LNC were to assume such power for itself – or if the Judicial Committee were to decide that it must – state affiliates would surely revolt at the notion that the LNC has the final word on whether they were following their own Constitution and Bylaws.

Conclusion

This dispute involving LAMA is unfortunately just the latest in an increasingly common event: a state-level dispute between two entities that each claim to be a state affiliate's rightful leadership. But Petitioners' attempt to resolve that dispute by means of an LNC resolution revoking recognition of LAMA's State Committee and recognizing a new State Committee was out of order. The ruling of the Chair should be affirmed.

Dated: April 22, 2022

Respectfully submitted,

Whitney Bilyeu
Chair
Libertarian National Committee

APPENDIX D – REGION 8 AGREEMENTS

Agreement of Voluntary Association of States for Regional Representation to The Libertarian National Committee.

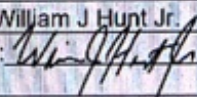
This Agreement, once signed, shall serve to bind the participating affiliate parties into a Representative Region for the purpose of representation to the Libertarian National Committee(LNC). The Following terms shall constitute the total agreement, and shall outline the process and procedures for the selection of representatives to the National Committee to serve on behalf of the Region. The Numbered identity of the Region shall be determined by the Secretary of the LNC following the submission and acceptance of all regional agreements during the 2022 National Convention process. The states invited to participate in, and reconstitute their existing regional agreement are those who were party to the 2020-2022 "LNC Region B," (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.)

The following terms shall govern the selection of regional representation to the LNC:

1. The Delegates of the Region 8 states shall elect via an electronic vote, no later than the first saturday following the conclusion of business of the first sitting of the 2022 Libertarian National Convention, both a primary representative and an alternate representative to the Libertarian National Committee.
2. The Regional Representative shall be responsible for publishing regular reports to the National Committee detailing the operations and activities of their constituent affiliate parties, as well as representing the interasts of their constituent affiliates during deliberations and votes of the National Committee.
3. The method of electing these representatives shall be separate electronic ballots conducted via OpaVote, and determined by ranked choice voting (RCV). The Election for Alternate shall not begin until the conclusion of the election of the Primary Representative. Once a ballot has been started, each Delegate shall have 48 hours to vote, via a secure link they will receive via email.
4. Primary Representative, and Alternate Representative, to accommodate the greatest representation among the state Parties, shall be residents of different states.
5. The State Chairs shall provide the incumbent Regional Representative (Rich Bowen, NJ) with an updated and accurate list of email addresses for all Delegates to participate in this election. The incumbent Representative shall be responsible for the administration and reporting of the election results.

- I
6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
 7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
 8. A vacancy in the position of the Primary Representative shall be filled by the promotion of the Alternate Representative to Primary Representative.
 9. A Vacancy in the position of Alternate Representative shall be filled by polling the 8 state chairs via approval voting among those candidates nominated from within the region in a manner to be chosen by those chairs.
 10. Should a simultaneous vacancy occur in both the Primary and alternate Representatives, the procedures outlined for the replacement of an alternate representative shall be used to fill both positions.
 11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

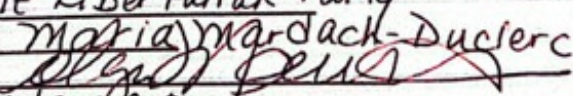
The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: Rhode Island
State Chair's Name: William J Hunt Jr.
State Chair's Signature: 
Date: 4/25/2022

6/5/22, 9:00 AM

6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
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State Affiliate: Vermont Libertarian Party
State Chair's Name: Olga Maria Mardach-Duciere
State Chair's Signature: 
Date: 04/27/2022

6/5/22, 8:59 AM

NH agreement.jpg

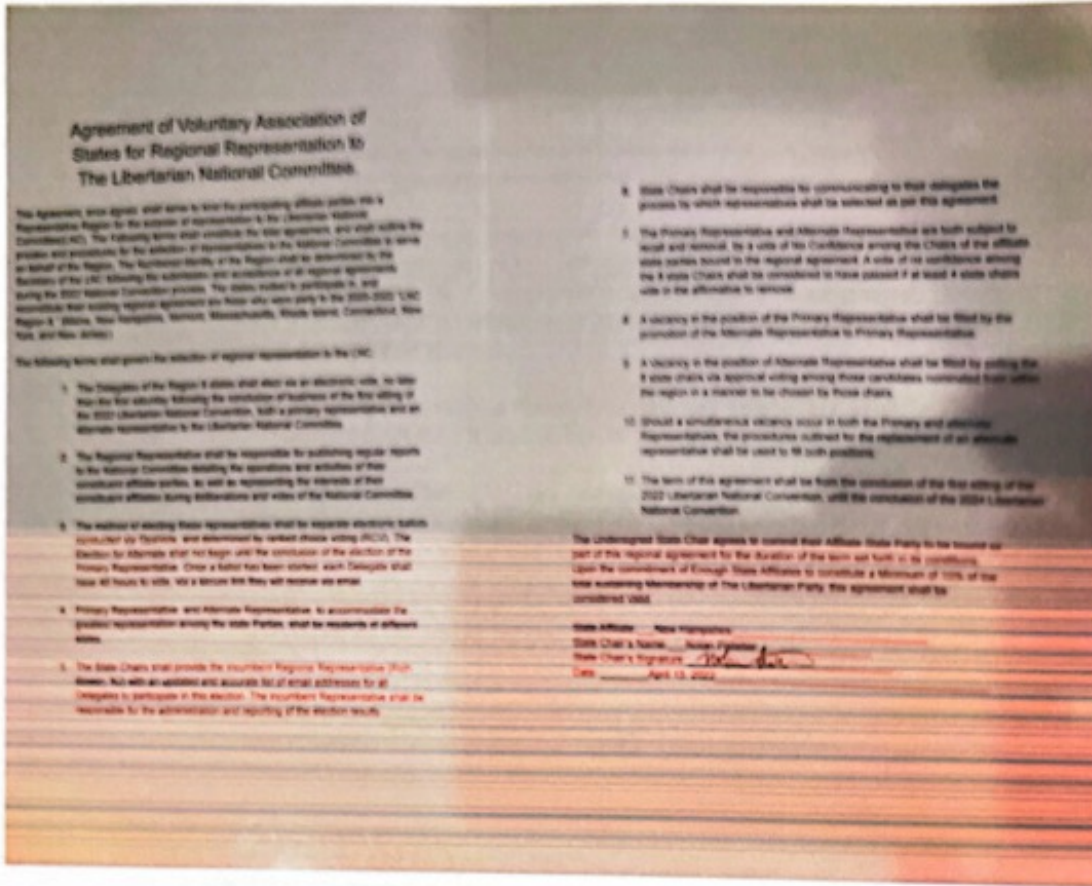
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The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: New Jersey
State Chair's Name: Nikhil Suresh Kumar
State Chair's Signature: [Signature]
Date: 04/21/2022

6/3/22, 8:30 AM

NH agreement.jpg



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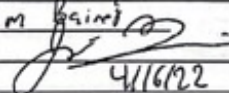
The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: MASSACHUSETTS
State Chair's Name: Andrew Cordio
State Chair's Signature: [Signature]
Date: 4-22-22

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6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
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11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: Libertarian Party of Maine
State Chair's Name: Jim Gaint
State Chair's Signature: 
Date: 4/16/22

6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
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11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: Libertarian Party of Connecticut
State Chair's Name: Stephen Dincher 
State Chair's Signature: _____
Date: 4/13/2022

6. State Chairs shall be responsible for communicating to their delegates the process by which representatives shall be selected as per this agreement.
7. The Primary Representative and Alternate Representative are both subject to recall and removal, by a vote of No Confidence among the Chairs of the affiliate state parties bound to the regional agreement. A vote of no confidence among the 8 state Chairs shall be considered to have passed if at least 4 state chairs vote in the affirmative to remove.
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11. The term of this agreement shall be from the conclusion of the first sitting of the 2022 Libertarian National Convention, until the conclusion of the 2024 Libertarian National Convention.

The Undersigned State Chair agrees to commit their Affiliate State Party to be bound as part of this regional agreement for the duration of the term set forth in its conditions. Upon the commitment of Enough State Affiliates to constitute a Minimum of 10% of the total sustaining Membership of The Libertarian Party, this agreement shall be considered Valid.

State Affiliate: LIBERTARIAN PARTY OF NEW YORK
State Chair's Name: W. CODY ANDERSON
State Chair's Signature: [Handwritten Signature]
Date: 4/19/22

APPENDIX E – PARLIAMENTARY OPINION OF JONATHAN M. JACOBS

JONATHAN M. JACOBS

Parliamentary Consultant

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630 North 63rd Street,
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Philadelphia, PA 19151
Telephone: (215) 229-1185
E-mail: jjparlia@yahoo.com

Professional Registered Parliamentarian-Retired,
National Association of Parliamentarians

Certified Professional Parliamentarian,
American Institute of Parliamentarians

Accredited Parliamentarian,
Society for Agricultural Education Parliamentarians

Past President, Former Parliamentarian
Pennsylvania Association of Parliamentarians, Inc.

Past President, Delaware Valley Unit
National Association of Parliamentarians

Past President, Philadelphia Unit,
National Association of Parliamentarians

June 4, 2022

Brodi Elwood
RE: LAMA removal status

Dear Mr. Elwood:

You have related the following information to me. On January 10, 2022, in excess of 40 members of the Libertarian Association of Massachusetts (LAMA) were expelled by the State Committee; these members had signed a petition to call a special meeting. These members were expelled without any semblance of due process and a lack of due notice. This expulsion violated the LAMA Constitution, Article II, Section 2.

Article I, Section 1 of the Constitution defines membership:

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.

Anyone who pays dues is a member. If they have paid dues, even if the funds were returned, or refunded, they are voting members. The bylaws provide that all other voters must pay state dues (Article II, Section 3.). This effectively makes them members as well.

Article II, Section 2 of the Constitution defines who can vote:

Persons, who are Members of this Organization whose dues are current, and who joined the Organization at least 30 days prior to the date of the State Convention, are eligible to vote and participate in the business meeting at the State Convention. Persons who were dues-paying Members of the Organization, or Sustaining Members of the National Libertarian Party, within the past three years, including a period at least 90 days before the day of the State Convention, but whose Organization dues are not current, may join or rejoin this Organization at the State Convention by paying their yearly dues. They may then vote and participate in the business meeting at the State Convention.

Effectively, anyone who pays their dues is a member and can vote. In theory, a bylaw could be made to permit someone who has not paid state dues to be a member, but Article II, Section 2 will still prevent them from voting and participating at any meeting.

In the expulsion, the then State Committee apparently relied on Article 1, Section 3 of the Bylaws. However, that bylaw conflicts with Article I, Sections 1 and Article II, Section 2 of the Constitution and, as such, is null and void. It is analogous to a statute being voided because it is found to violate the US Constitution.

Page 1 of 2

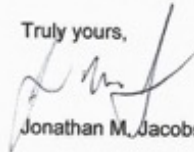
In general, a rule from a superior source will supersede a rule from an inferior source. The parliamentary authority adopted for the LAMA State Committee is the 10th Edition of *Democratic Rules of Order* (2019). It establishes this hierarchy of rules repeatedly on pages 5, 9-10, 11, and 78. It further excludes membership from the constitution and recommends that it be included, with discipline, in the bylaws (p. 10). In the case of the general parliamentary law, there is this hierarchy of rules and constitutions are superior to bylaws. The bylaws cannot conflict with the constitution and any conflicting bylaw is null and void. If necessary, I shall provide additional citations.

Any action that was taken by this State Committee or its successor that disenfranchised the 40 or more individuals is null and void as it violates that Constitution. The action also violates the rights of members, which are described as "self-evident" by *Democratic Rules of Order* (p. 3). This includes, "the right of each individual member to participate equally and fully in orderly meetings that are free from intimidation... (p. 4)."

I would note the 12 edition of *Robert's Rules of Order Newly Revised* (2020) would permit disciplinary action without authorization in the Constitution or Bylaws (63:24), however, it would not solve the problem of the Bylaw being in conflict with the Constitution. It would also require much more due process.

Note also that the State Committee had the obligation to call the meeting based upon a proper petition (Constitution Article II, Section 5). Such a meeting could be validly held even without the cooperation of the State Committee.

Truly yours,



Jonathan M. Jacobs, PRP-R, CPP