

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: May 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

The Libertarian National Committee

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).

Petitioner Cordio's and Member Petitioner Caryn Ann Harlos' Reply to the (alleged) LNC's Second Response to Initial Petition

1. The purported reply is NOT the response of the LNC but of the LNC Chair

Ms. Bilyeu and Ms. Bilyeu alone signed both replies, and there has been no public vote on accepting either of them as the response "of the LNC." Many LNC members disagree, and it is impossible to know without a vote or signatures how many do agree with the filed replies. The appeal was not of her ruling, but of the sustainment of her ruling.

2. Ms. Bilyeu misrepresented the Petition when she alleged that it did not cite any bylaws contravened

The initial Petition in bullet point 3 states "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 Committee's decision in the recent Delaware appeal. Impacted Bylaws include the entirety of Section 5." Further it incorporated the *Delaware* decision by reference in which it was categorically stated that the LNC was required by its Bylaws to determine who the proper Chair is in the event of a credible dispute. The *Delaware* majority opinion by Ms. Mattson cited over many instances in which the Bylaws would require this determination and the Petitioners concur. Rather than copy and pasting Ms. Mattson's entire opinion, we once again incorporate it by reference. A copy can be found here:

https://lpedia.org/wiki/File:2022_02_13_JC_Ruling_McVay_Hinds_v_LNC.pdf

Appendix A of that document lists out multiple Bylaws that the LNC has contravened in sustaining the ruling of the Chair. The Petitioners agree and that has always been part of its appeal contrary to Ms. Bilyeu incorrect assertions. They are listed in the Appendix as follows:

- 5.1
- 5.2
- 5.4
- 7.1
- 7.4
- 7.8
- 10.3-10.6
- 11.3
- 11.4
- 14.2

The Petitioners would also note that RONR is incorporated as part of our Bylaws which notes: *When a provision of the bylaws is susceptible to two meanings, one of which*

renders absurd another bylaw provision, and the other meaning does not, the latter must be taken as the true meaning. (RONR 12th Ed.) 56.68(2).

The ruling of the Chair renders the above Bylaws absurd as well as many Policy Manual provisions which are cited in the same Appendix.

Certain quotes from the Mattson opinion are instructive (any bolded formatting is added by the Petitioners):

The only way for the JC to determine whether Mr. Hinds or Mr. McVay is the rightful LPDE chair without violating the affiliate's autonomy (their right of self-rule) is to apply the LPDE's own articles and bylaws to the dispute, which we do below.

Now that there is a dispute in Delaware, many misread LP Bylaws Article 5.5, which says (underline added):

"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 passage does not end after, "The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party." There's another clause which impacts the meaning, "except as provided by these bylaws."

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.**

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. **[Petitioners would add here that the LNC had a meeting on this and**

given the substantive facts and timeline on January 23, 2022
<https://youtu.be/07G9vxsrH8M>

Given the bylaw obligations to interact with the actual affiliate and the timing concerns relative to the national convention, **the JC rules that the combined circumstances of the LNC's failure to act on November 21**, plus the LNC's December 5 motion that opened the door to recognizing those who are not the rightful officers, collectively serve as a constructive disaffiliation of the LPDE affiliate as chaired by Mr. Hinds.

Ms. Bilyeu further mis-claimed that no such assertion of a violation of the Bylaws was made at the hearing. However, here are some examples:

- 1:45:28; 1:45:55: The JC decision in *Delaware* which includes its reasoning from the Bylaws is cited.
- 1:46:28; 1:46:57: The fact that numerous Bylaws requiring knowing who the correct leadership is mentioned

3. Ms. Bilyeu's attempt to distinguish the *Delaware* decision fails

Ms. Bilyeu cited distinctions that make no difference to the fundamental principle at stake in this matter; quoting Ms. Mattson (emphasis added):

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 fact that only "side" appealed is irrelevant to that principle. Let us address that head on: Ms. Mattson stated: "To determine who has standing to file such an appeal, the JC needs to determine who are the rightful LPDE officers, **a task that the LNC failed to do.**"

Ms. Bilyeu illegitimately latches on to the fact that the JC had to decide between two sets of Petitioners which is not the case here and purposefully omits the crucial phrase – **a task the LNC failed to do so** – which only make sense if the **LNC REFUSED TO DO SOMETHING IT WAS OBLIGATED TO DO** which is the case here. That part of the Bilyeu response is a red herring.

Ms. Bilyeu further simply restates her failed assertion that "constructive disaffiliation" does not exist in the Party. The LNC already lost on that issue in the *Delaware* matter. Simply repeating a lost point does not make it less incorrect with the retelling. Further, constructive disaffiliation has been recognized since at least 2011, and the delegates have had ample opportunity repudiate such a concept and have not done so.

Lastly and unbelievably, Ms. Bilyeu uses the LNC's utter inaction as a defense and something to be praised. However, the LNC did not merely "do nothing." If so, there could be no member appeal. It affirmatively voted it **cannot** do anything which is in direct contradiction to the *Delaware* ruling which many members of the LNC have made clear they think is rogue and have advocated that the LNC simply disobey. They are disobeying now using Massachusetts as a proxy. Members are not proxy pieces on a political chessboard to be used to advance the agenda of a particular LNC who has used Party property to openly disparage the same internal group that the other alleged LAMA Board wishes to purge.

4. Additional Information on Relief Sought

The Petitioners do believe that the rightful MA affiliate was constructively disaffiliated by the LNC's refusal to even hear the Bowen resolution. That of course is predicated on the fact that the Petitioners believe they are right in their assertions. However, there was never a motion even allowed for the LNC to recognize or refuse to recognize the rightful affiliate (which is recognizing the MA Respondents by default, *i.e.*, a constructive disaffiliation if they are not the rightful Board). The Petitioners do believe that the JC can reach beyond the relief specifically sought since jurisdiction based on constructive disaffiliation was specifically asserted and sufficient evidence was given in both the Petition and the hearing that the Cordio Board and the Party members recognized by it, is the rightful affiliate.

5. Ms. Bilyeu's argument from consequences cuts both ways

The Petitioners reject Ms. Bilyeu pushing the panic button that this will flood the JC with appeals and believe the membership to be better than that. However, there is already a proven potential consequence: those in power doing everything they can to keep themselves and their allies in power even if it means breaking their own rules. Rules are powerless in the face of those who disregard or twist them at will. Let's be very clear here: The MA Constitution allows a special convention to be petitioned for by a certain amount of members. The requisite amount of members did so. **In response the State Committee EXPELLED THEM FROM THE STATE PARTY E MASSE, WITHOUT NOTICE, AND WITHOUT ANY OPPORTUNITY TO PRESENT A DEFENSE.**

Why? Well at least one State Committee and disturbingly a national staff member at the time, said this:



Brodi Elwood

[Tara DeSisto](#) Where have I shown aggression?

5h Like Reply

1



Tara DeSisto

[Brodi Elwood](#) the petition itself if an act of aggression against the SC.

4h Like Reply

3

Word cannot describe how anti-Libertarian her statement is. Libertarians regularly petition for redress against the government and elected government representatives. Should they be determined to be committing aggression against the United States and be guilty of treason? No one watching the news can think this question is far-fetched.

Aggression has a very specific definition in this Party and Ms. DeSisto in justifying the State Committee has perverted beyond Libertarian recognition.