

APPEAL TO THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Wes Wagner vs. the Libertarian National Committee

Clarification of the Opinion of the Majority, rendered September 23, 2011

We have been asked by Mr. Wes Wagner to clarify our decision in Wagner v. LNC, given the apparent decision of Libertarian National Committee Chair Mark Hinkle to suspend treatment by the LNC of the Wagner group of officers as the representatives of the Libertarian Party of Oregon, on a par with other state affiliates of the national Libertarian Party.

The Judicial Committee did not rule that the LPO has no leadership. The Judicial Committee ruled that the LNC must by default recognize the affiliate representatives that are currently recognized by the affiliate's secretary of state, and that it would take an exercise of LNC's 6.6 disaffiliation power to do otherwise.

A state political party committee (no matter the party) is defined by its governing documents, as interpreted under the laws of the State where it is organized and operates. The Bylaws of the national Libertarian Party grant the Libertarian National Committee the power to affiliate and disaffiliate a state-level affiliate in each state of the United States. They do not grant the LNC (or the LP Judicial Committee) the power to interpret and then enforce the bylaws of a state political party committee that is a state-level affiliate of the national Libertarian Party. To the contrary, Article 6, Section 5, of the LP Bylaws expressly prohibits the LNC from "abridg[ing]" the "autonomy" of its state affiliates, "except as expressly provided by [the LP] Bylaws." The interpretation of a state-level affiliate's bylaws is an internal matter for the members of the state-level affiliate to pursue by negotiation, political action, litigation and/or other action in state-level affiliate meetings, and before the state-level judicial committee (if any), courts and governmental agencies having jurisdiction over the state-level affiliate.

This means that if the LNC desires to 'abridge the autonomy' of the LPO by ceasing to treat the Wagner group of LPO officers as its state affiliate contact in Oregon, its avenue to do so is as "expressly provided by [the LP] Bylaws", i.e., to take formal action to disaffiliate, for cause, by a 3/4ths vote, as more specifically provided in Article 6, Section 6, of the Bylaws of the national Libertarian Party. Until such time as that occurs, the LNC must continue to treat the Wagner group of LPO officers similar to other LP state-level affiliate officers (for example, by providing monthly data dumps, and recognition on the lp.org website as the official LP state affiliate in Oregon).

Opinion of Bill Hall, joined in by James Gray, Nicholas Sarwark and Lee Wrights