

From: Mary J Ruwart <mary@ruwart.com>

Date: Tue, May 17, 2022 at 3:14 PM

Subject: [judicial] Status of the Second Cordio Appeal

To: Whitney Bilyeu <chair@lp.org>, <chair@lpmass.org>, Brodi Elwood <brodielwood@gmail.com>, Andrew Cordio <cordioace@gmail.com>, Caryn Ann Harlos <carynannharlos@gmail.com>, Don Graham <dongr2009@gmail.com>, <lpctchair@protonmail.com>, <chair@lpme.org>, <hkemp@lpme.org>, <chair@lpmh.org>, <chair@njlp.org>, <canderson@lpny.org>, <bhunt@lpri.us>, <chair@lpvt.org>  
Cc: judicial <judicial@lp.org>

The JC has concluded that the LP Bylaws do not allow the current JC to hear this appeal.

Specifically, the LP Bylaws (p. 4) state:

“...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 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.”

Given the proximity of the Reno convention, this JC would have to render an opinion later than 90 days prior to the convention, a clear impossibility, even if we were to have a hearing during the convention and immediately render an opinion. In order for Mr. Cordio to get a JC verdict on his appeal, he might consider re-submitting to the next JC or see if the next LNC would consider hearing the Bowen resolution.

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From: Caryn Ann Harlos <carynannharlos@gmail.com>

Date: Tue, May 17, 2022 at 3:33 PM

Subject: [judicial] Re: Status of the Second Cordio Appeal

To: Mary J Ruwart <mary@ruwart.com>

Cc: Whitney Bilyeu <chair@lp.org>, Ashley Shade <chair@lpmass.org>, Brodi Elwood <brodielwood@gmail.com>, Andrew Cordio <cordioace@gmail.com>, Don Graham <dongr2009@gmail.com>, Stephen Dincher <lpctchair@protonmail.com>, <chair@lpme.org>, <hkemp@lpme.org>, LPNH Chair <chair@lpmh.org>, Daniel Krause <chair@njlp.org>, Cady Anderson <canderson@lpny.org>, Bill Hunt <bhunt@lpri.us>, <chair@lpvt.org>, judicial <judicial@lp.org>

Thank you for the JC's consideration. I offer a brief comment in case any JC members wish to bring a reconsideration. All the bylaws have to be read in harmony and any interpretation that renders others absurd cannot be correct. The bylaws do not recognize "constructive disaffiliation" as it is a "behind the bylaws" act of the LNC. To apply the same notice requirements is to ignore that this bylaw is about express disaffiliation and to give any LNC a free shot to constructively disaffiliate any affiliate within a 90 day window, which basically gives them control of the convention if they wished. I appreciate that people of good faith can disagree, but I do feel strongly this makes a mess out of the rights of affiliates. I would note also that the Appellant was told directly that judicial economy should have had this issue be the first appeal or at least part of it but that was less than 90 days prior to the convention as well. Now, of course, that was not an official ruling but it seemed like impossible advice would not have been offered.

I would also note to the other interested parties, this says nothing about the merits of the issue, and the Appellant still fully agrees with the dicta in the Mattson opinion in the first appeal.

In Liberty,

*Caryn Ann Harlos*

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From: Alicia Mattson <agmattson@gmail.com>  
Date: Wed, May 18, 2022 at 3:19 PM  
Subject: Re: [judicial] Re: Status of the Second Cordio Appeal  
To: Caryn Ann Harlos <carynannharlos@gmail.com>  
Cc: Mary J Ruwart <mary@ruwart.com>, Whitney Bilyeu <chair@lp.org>, Ashley Shade <chair@lpmass.org>, Brodi Elwood <brodielwood@gmail.com>, Andrew Cordio <cordioace@gmail.com>, Don Graham <dongr2009@gmail.com>, Stephen Dincher <lpctchair@protonmail.com>, <chair@lpme.org>, <hkemp@lpme.org>, LPNH Chair <chair@lpnh.org>, Daniel Krause <chair@njlp.org>, Cady Anderson <canderson@lpny.org>, Bill Hunt <bhunt@lpri.us>, <chair@lpvt.org>, judicial <judicial@lp.org>

I just want to clarify that my prior email to Ms. Harlos about judicial economy was in reply to her email suggesting that the JC, if I may paraphrase, hurry up and decide how we were going to handle this second appeal because everyone would soon be traveling to the convention. Had the disaffiliation question been raised during the first appeal, we could have in our prior ruling pointed out the "in no case later than 90 days prior to a convention" language in the bylaws. It has been there in the bylaws all along, and it is a phrase I brought to everyone's attention during the JC hearing on the first LAMA case, so it should not be a surprise to anyone. "In no case," is very strong language.

With this second appeal having been filed on May 9, another clause in the same bylaw sets a 20 to 40 day window for hearing an appeal regarding disaffiliation, so a hearing couldn't be held until May 29 at the earliest. May 29 is the final day of the national convention, when we are always under time pressures with convention business, and it is the final day of this JC's term, so that even if a hearing could be squeezed into that day, we'd have an unreasonably short time to deliberate and render a decision before our term ends.

-Alicia

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From: Caryn Ann Harlos <carynannharlos@gmail.com>  
Date: Wed, May 18, 2022 at 3:41 PM  
Subject: Re: [judicial] Re: Status of the Second Cordio Appeal  
To: Alicia Mattson <agmattson@gmail.com>  
Cc: Mary J Ruwart <mary@ruwart.com>, Whitney Bilyeu <chair@lp.org>, Ashley Shade <chair@lpmass.org>, Brodi Elwood <brodielwood@gmail.com>, Andrew Cordio <cordioace@gmail.com>, Don Graham <dongr2009@gmail.com>, Stephen Dincher <lpctchair@protonmail.com>, <chair@lpme.org>, <hkemp@lpme.org>, LPNH Chair <chair@lpnh.org>, Daniel Krause <chair@njlp.org>, Cady Anderson <canderson@lpny.org>, Bill Hunt <bhunt@lpri.us>, <chair@lpvt.org>, judicial <judicial@lp.org>

I appreciate the clarification Ms. Mattson and all the work you have put into these difficult affiliate decisions. I disagree with that interpretation but I see how reasonable people can disagree even strongly - I believe those jurisdictional limits only make sense under an express disaffiliation or it gives the LNC a happy hunting season if it wished (and by the LNC not referring to this one in particular but to the abstract concept of "the LNC"). This term has shown a lot of holes in our bylaws I think we both agree. I also do think this JC could have stated this will have to be handled by the next JC for a hearing and set the date for after the convention. All water under the bridge at this point. The Appellant knows his options after adjournment sine die.

In Liberty,

*Caryn Ann Harlos*