

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

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;

“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>.

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.

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.

CERTIFICATION

I hereby sign on to this Petition for Appeal and certify that I am a Sustaining Member¹ of the National Libertarian Party.

Brodi Elwood

Brodi Dean Elwood

04 / 03 / 2022

¹ This includes Life Members of the national Libertarian Party.

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