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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 statue being voided because it is found to violate the US Constitution.

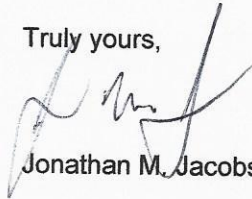
In general, a rule from a superior source will supersede a rule from an inferior source. The parliamentary authority adopted for the LAMA State Committee is the 10th Edition of *Democratic Rules of Order* (2019). It establishes this hierarchy of rules repeatedly on pages 5, 9-10, 11, and 78. It further 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,

A handwritten signature in black ink, appearing to read 'Jonathan M. Jacobs', written over a horizontal line.

Jonathan M. Jacobs, PRP-R, CPP