

Supplementary Brief of the Libertarian National Committee

In response to questions raised about the non-aggression principle during the hearing, I submit the following points of clarification.

The Libertarian Party's Statement of Principles provides that we believe "that force and fraud must be banished from human relationships." The limits of what is prohibited by this non-aggression principle is something that is reasonably debated among Libertarians. All agree it covers, at its core, the physical use of force and violation of property rights. From those principles arise a number of implicated concepts about which Libertarians may reasonably differ.

It is not alleged the Petitioner threw a punch at anyone. But things like harassment, defamation, threats, what constitutes fraud, and how to regard violations of fiduciary and contractual duties, are bound up in the Libertarian principles embodied by the NAP. It is these matters which are implicated by Petitioner's behavior, and thus why the motion to suspend her referred to violations of the NAP.

It is understandable, however, that the Judicial Committee might be wary of weighing on matters such as whether it is a NAP violation per se to defame, or incite threats, to expose the party to legal liability, or to undermine the corporate interests of a voluntary organization for personal gain. It is especially understandable to want to avoid any implication that it's a NAP violation simply to be metaphorically "aggressive" in online rhetoric and heated debates. That is not, in any way, the LNC's position.

Violation of the NAP is not a requirement to suspend an officer under the Bylaws, and the causes for which Petitioner was suspended do not depend on finding that she violated the NAP. Each of the causes stands on its own as sufficient grounds for suspension and removal. Even under the stricter requirements of employment law, Petitioner's conduct and hostility would constitute just cause for termination under any standard of review. It is, indeed, difficult to imagine any business or organization that would not act in such a case as this.

It was the reluctant decision of a supermajority of the LNC that Petitioner's suspension and removal are necessary to defend the functionality of the committee and the best interests of the party. That decision reflects the considered judgement of those who have served on the committee with Petitioner, in some cases for many years. In doing so, the LNC had little guidance or precedent to consider. Substantial effort went into providing a fair process that went above and beyond what was required, as well as in drafting the motion to accurately recount Petitioner's misconduct and explain why it satisfied the undefined "for cause" in the Bylaws.

I believe this action should be upheld, I we also welcome the opportunity for the Judicial Committee to clarify the requirements of the Bylaws, the best practices in articulating causes for suspension motions, and the form and process the LNC should use in the future. This would

provide a useful opportunity for precedent, even as we hope the LNC will not need to use it again.

Respectfully submitted,

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