

LNC Members,

It is my understanding that the LNC would like to ascertain the facts of the expulsion measure taken on January 10<sup>th</sup>, 2022, by the Libertarian Association of Massachusetts State Committee. Below are the most pertinent facts.

### Petition Ruling and Reasoning:

On December 19<sup>th</sup> a petition was submitted to the LAMA State Committee requesting a special convention. The agenda requested included

1. Setting the number of State Committee members to Nine.
2. Holding elections for the State Committee

Our constitution does allow for a petition to be submitted by membership, and for those members to set an Agenda for a special convention. Nowhere in the constitution does it allow any Special or Regular State Convention to bypass the remainder of the constitution without amending the constitution.

The proposed agenda items above items are defined in the LAMA constitution and would require a constitutional amendment for the body to take up these measures.

### **Article II: State Convention states**

1. A Regular State Convention shall be held in every year.

### **Article IV: State Committee states:**

1. Each Regular State Convention shall elect, as provided in the bylaws, up to nine State Committee members.

Because a Regular State convention is defined and Special State Convention is not a Regular State Convention, and the constitution clearly defines the number of State Committee members and when they are to be elected, the agenda being proposed by the petitions was invalid. Without an Agenda that requested Constitutional Amendments, the Agenda items could not be taken and therefore I ruled that we would not host a special convention as there would be no valid items of business to address. The LAMA constitution also has very specific language for how Constitutional amendments must be proposed for changes, which also were not met.

### **Article V: Bylaws, Rules and Amendments**

1. Bylaws to implement and clarify the authority and duties of persons and bodies authorized by this Constitution may be adopted or amended by a majority vote at a State Convention, or by a two-thirds vote of the State Committee. When each State Committee meets for the first time to organize, any Bylaws previously in force shall remain in force unless a two-thirds vote of the State Committee shall specify otherwise, provided that any amendments to the Bylaws shall be consistent with this Constitution and with actions at State Conventions.

2. Each body authorized by this Constitution may adopt rules for its proceedings.
3. This Constitution may be amended by a two-thirds vote of all persons eligible to vote and registered as attending the State Convention at which the vote is being taken, whether or not voting, provided that there is a quorum, if and only if the following conditions are met:
  - a. The amendment has been approved beforehand by the State Committee, or has been endorsed beforehand by the signatures of at least ten percent of the Members whose dues are current, which amendment and endorsement shall be submitted in writing to the Chair of the State Committee, and
  - b. A copy of the proposed amendment has been sent by mail to each Member of the Organization whose dues are current, postmarked at least two weeks prior to the date of the State Convention in which the amendment is to be considered.

One member of the State Committee disagreed with the ruling; however, the other members of the State Committee members agreed with and accepted this ruling.

## Expulsion Ruling and Reasoning

After making this ruling, The LAMA State Committee made the decision to expel the petitioners. You'll hear from others about their reasoning behind the decision and these are mine.

- An outside organization with no affiliation with or to LAMA (Mises PAC/Caucus) had made clear their goal was to take control of our affiliate.
- The person who organized and submitted this petition to the State Committee is a State Organizer of the Mises PAC/Caucus.
- Of the petitioners who signed, only ten (10) had previously been dues paying members to LAMA at our previous State Convention in March 2021. Many of these 10 did not have dues paid current at the time of submission.
- Twenty-Nine (29) of the petitions were not members of the Libertarian Party (National) at the time of submitting their petition.
- Only Eight (8) of the petitioners were registered Libertarians to vote in the Commonwealth of Massachusetts.
- The Mises PAC/Caucus has publicly made clear their goal is to “takeover” state affiliates so they may control their delegates to the Libertarian National Convention in May, to elect Mises PAC/Caucus members to the LNC.
- The preamble of the LAMA Constitution clearly defines our Name and Purpose as follows:

### **Preamble, Name and Purpose**

We, the Libertarians of Massachusetts, do hereby unite to form the Libertarian Association of Massachusetts, in order to give voice to and implement the fundamental principle of libertarianism: that no person, group of people, or government has the right to initiate force against any other person, group of people, or government. We shall do this by supporting candidates for public office, publicizing the principles and goals of libertarianism, and taking any

actions that the State Convention or the State Committee deem will further our aims. The Association, its Bylaws, and State Committee exist solely as a path for reaching the objectives of this preamble.

- The actions of taking over the LAMA organization to control the seating of delegates to the Libertarian National Convention is not within the purpose or mission of our organization.
- Due to repeated previous attempts to interfere with the business of the affiliate, and due to the information listed above, the State Committee exercised its right to expel the members who participated in the attempted takeover.
- The Meeting at which this vote took place is always listed and advertised as a State Committee Meeting. Our bylaws do not require it to be a public meeting, though in normal circumstances we encourage members to attend.
- I made the decision to close the meeting to non-State Committee members so business could be expedited and completed in a timely manner.
- The process for expelling members is defined in the LAMA Bylaws as follows

## **Article I. Membership**

### 3. Termination of Membership

All memberships expire on the last day of a calendar month.

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.

- This rule in our bylaws was in place before any of the people who were expelled became dues paying members to our organization. The members who were expelled knew that it was a possibility and still joined our organization. They are subject to the Constitution and Bylaws as organized by the LAMA organization.

There are other issues that people can and will claim as problems and I would like to address those as well.

## What Is LAMA/LP Massachusetts?

- The Libertarian Association of Massachusetts is the official documented name of the organization. The organization operates as the Libertarian Party of Massachusetts.
  - This is defined in our bylaws as amended in 2009 as follows:

## **Article IV. State Committee**

### 6. (CONVENTION 2009) Use of Party Name

The name change from Libertarian Party to Libertarian Association was made out of an abundance of caution regarding the State law that defines a “political party.” The

Organization shall continue to publicly use the name “Libertarian Party of Massachusetts.”

- The below line in our bylaws defines how we operate when recognized by the Commonwealth as a political party

## **Article IX. Statutory Libertarian Party of Massachusetts**

### 1. Applicability

Article IX applies only when the Libertarian Party has recognized status as a “political party” according to the laws of the Commonwealth of Massachusetts.

### 2. Initial Statutory Party

When political party status is first obtained, the Commonwealth of Massachusetts authorizes only the LAMA State Committee to form a political party organization. At that time, the State Committee of LAMA shall form a “political committee” called the Libertarian Party of Massachusetts (LPMA) having bylaws in accordance with state law, the LAMA Constitution and Bylaws, and the National Party Bylaws. The State Committee of LAMA shall be the initial State Committee of LPMA.

### 3. Bylaws

LPMA shall submit its bylaws to the LAMA State Committee and be chartered as a sub-affiliate as specified in Article VIII.

### 4. Loss of Party Status

Upon loss of recognized status as a “political party,” the charter of the Libertarian Party of Massachusetts shall be revoked automatically.

- **LAMA is always recognized by the FEC as a Political Party.**
- When the Libertarian Party achieves 3% in the last election, the party is upgraded to a recognized party by the Office of Political Campaign Finance (OPCF) and the organization then reports funds to OPCF. Currently OPCF sees this account as a political action committee (PAC) account. This account does not accumulate funds nor operate when the organization is not recognized by the Commonwealth. LAMA lost its recognition as an official party after the 2020 election when we failed to receive 3% of the vote.

## Eligibility of former chair Ashley Shade

- In Massachusetts, elected officials may not serve on the board of a Political Action Committee (PAC). When the party is not recognized by the state, the PAC as defined by OPCF and the above bylaws no longer operates.
- There was a question about the eligibility of the chair Ashley Shade to serve after she was elected to office, As the bylaws determine that the Charter that operates the PAC shall be

revoked automatically upon loss of recognition of official party status in Massachusetts, Ashley served as chair of the federally recognized political party and not as chair of a PAC.

## Eligibility of Membership Director Andrew Moore

- The eligibility to serve on the State Committee is defined in the Constitution and further defined in the Bylaws.
- At the time of his election, Andrew Moore was a resident of Massachusetts whose dues were in good standing. He made aware to the convention body that he would be moving out of state during his term, and the body accepted and encouraged him to continue to serve. He was then re-elected as the membership director.

Constitution rules on State Committee:

### **Article IV: State Committee**

1. Each Regular State Convention shall elect, as provided in the Bylaws, up to nine State Committee members.
2. Within 30 days of their election, the newly-elected State Committee shall meet and elect a Chair, a Treasurer, and such other officers as are specified in the Bylaws.
3. The State Committee shall elect officers to fill any vacancies. The State Committee may by majority vote appoint to itself additional members.
4. All members of the State Committee shall hold office until adjournment of the next State Convention at which their successors are chosen.
5. The State Committee may make rules for its proceedings, for the calling of State Conventions, and for the selection of Delegates and Alternates to the National Convention. Delegates to the Libertarian Party National Convention shall be chosen at the State Convention held immediately prior to that National Convention.

If elections for State Committee and Convention Delegates happen at the same State Convention, the State Committee is elected first. Persons who will be members of the State Committee at the time of the National Convention are entitled ex officio to be named as Delegates or Alternates, but must so request prior to the election of Delegates and Alternates. The State Convention or State Committee may promulgate Bylaws consistent with this Constitution to ensure a full delegation at the National Convention.

6. To be eligible to be elected as a Massachusetts Delegate to the National Convention, a person must, at the time of the National Convention, be:

- a. A legal resident of Massachusetts, and
- b. A Member in good standing of the Organization.

7. The State Committee shall have the authority to adopt or amend the Bylaws by a two-thirds vote, two weeks' notice and an opportunity to respond having been given.

**8. 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.**

9. Every member of the State Committee must make available their name, their office in the Organization if any, and a working way to contact them, in the Organization's newsletter and on the Organization's web site. This may be a physical mailing address, e-mail address, telephone number, or some combination of these.

10. 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. Expiration of membership in the Organization is cause, but payment of membership dues to renew membership, prior to the vote, constitutes an absolute defense.

Membership in LAMA is defined in the constitution below:

## **Article I: Membership**

1. 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.

- The Bylaws for State Committee state the following:

## **Article VII. State Committee Officers**

### 1. Eligibility

Pursuant to Article IV, section 2 of the Constitution, the Officers of the State Committee are: the Chair, the Treasurer, the Recording Secretary, the Membership Director, the Political Director, the Operations Director, the Fundraising Director, the Communications Director, the Technology Director, and the Archivist.

Eligibility to be elected or serve as an Officer of the State Committee is governed by Article IV, section 8 of the Constitution. Officers are elected by majority vote of the voting Members of the State Committee.

- As stated in the bylaws, Section 8 of the above constitution defines eligibility as being a Member of the Organization whose dues are current.
- The requirement to be a Massachusetts resident is defined for eligibility to serve as a Delegate to the National Convention, and NOT to be a member of the state committee.
- It has been the understanding and ruling of the chair and the LAMA State Committee that Andrew Moore was upfront with the membership body who elected him to serve, that the constitution does not require a person to remain a resident of Massachusetts after election to continue to serve in their role and that all of Andrew Moore's votes are valid and binding.

## Eligibility of appointed State Committee Members

- The LAMA Constitution allows for the State Committee to fill vacancies on the board. In Article IV: State Committee Section 3 as outlined above.

## Conclusions and personal thoughts

The LAMA State Committee acted within their purview and authority to deny the petition of the members who attempted to take over our affiliate and expel them from the organization. As laid out in the reasoning above, each action and complaint are supported by our Constitution and Bylaws and was allowable.

It's extremely unfortunate that we ended up in this type of situation. My personal goal has always been to achieve liberty for all human beings, and to fight against government interference in our daily lives. From the beginning of my membership to this party, I have been actively working to help and support campaigns, policies and initiatives that pursue and align with our party platform and principles. I have served in roles on more than 10 political campaigns in the past 3 years, as well as serving as Chair of Outright Libertarians, Chair of LAMA and becoming an elected libertarian here in Massachusetts. I have been met with a great many people who disagree with my approach, and with my beliefs. I've also been met with a far greater number of people who support my beliefs and agree with my approach. The beauty of the Libertarian Party is that we can disagree on things and still work together to remove power from government and the institutions they empower to control our lives. I am always happy to speak to people who disagree with an idea or a policy, so long as the conversation remains on the policy or procedure or idea itself.

Unfortunately, within our movement, we have a large and growing contingent of people from the entire spectrum of libertarian ideology who attack people rather than ideas, policies, and procedures. Personal attacks of this nature result in the worst behaviors and our national party does not have mechanisms in place to properly deal with these situations. A functional political party must operate to elect people to office first and foremost, and is not, and should not be a membership service organization. While members should help drive the platform and principles, Leaders must be empowered and put in place to handle the operations of the organization and make day to day decisions for a political party to be effective.

Of the members we expelled, twenty-nine were not members to National and are therefore not under your purview in anyway, you have no power or authority to tell us we must accept them when they aren't even members of your organization. As a matter of fact, this means the majority of the expelled former LAMA Members have no rights from the national Libertarian Party. Those defending their actions are essentially saying we don't care of people who aren't even members to our organization invade and take over your organization and to anyone who has common sense, that is an absurd notion. None of these people are disenfranchised from participating in the national party or being members of the national party. They have only been removed from our affiliate and are no longer eligible to be delegates for the national convention.

Some people think this was about keeping power and control, and I can assure you that the only true power LAMA has in Massachusetts is to select delegates to the national convention and to use the designation Libertarian Party. Every other operational activity that LAMA works towards, could be done by another organization that isn't LAMA. In Massachusetts, any individual can run for office on a party line and that does not require approval from the party in advance. We have no power to stop a person from running as a Libertarian, we only have the ability to choose whether or not we endorse and support those candidates.

This "Takeover" rhetoric and operation being pursued by the Mises Caucus is the direct cause of the internal strife and conflict currently poisoning the Libertarian Party. They claim everyone who fights or works against their interests is corrupt, and they support and fuel personal attacks, vendettas, threats, and harassment of members who don't fall in line with their goals. We've seen this behavior consistently over the past 3 years, and it has only continued to expand as they look to chase people out of the party so they can take control. These are not the objectives of people who wish to elect libertarians or operate as a functional political party but are the actions of an organized ideologically different group of people who wish not to work together but defeat anyone who doesn't comply with their will. These are the actions of a group who isn't afraid to use intimidation and fraud to achieve their goals. This is not the behavior of a group who want to work with us to achieve liberty.

I don't have any inclination to participate in the political self-fornication theatre that this meeting is, and I urge a member of the committee to adjourn immediately. It is a waste of time, energy, and effort to hold a public forum for complaints, where every piece of information that you will learn today could be communicated in a letter such as this and sent via electronic communications. I have zero confidence that any other information will clearly state the facts and details of the situation, and as stated in the LNC Bylaws, The LNC has no ability to act against the affiliate at this time.

I wish you all well in your political self-fornication pursuits. I shall be spending my time in a more productive way, serving my constituents and working on projects and policies and campaigns that truly fight for the liberty of all people.

Sincerely,

Councilor Ashley M. Shade