

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: May 4, 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

The Libertarian National Committee

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).

Member Petitioner Caryn Ann Harlos' Amicus in Favor of MA Petitioners

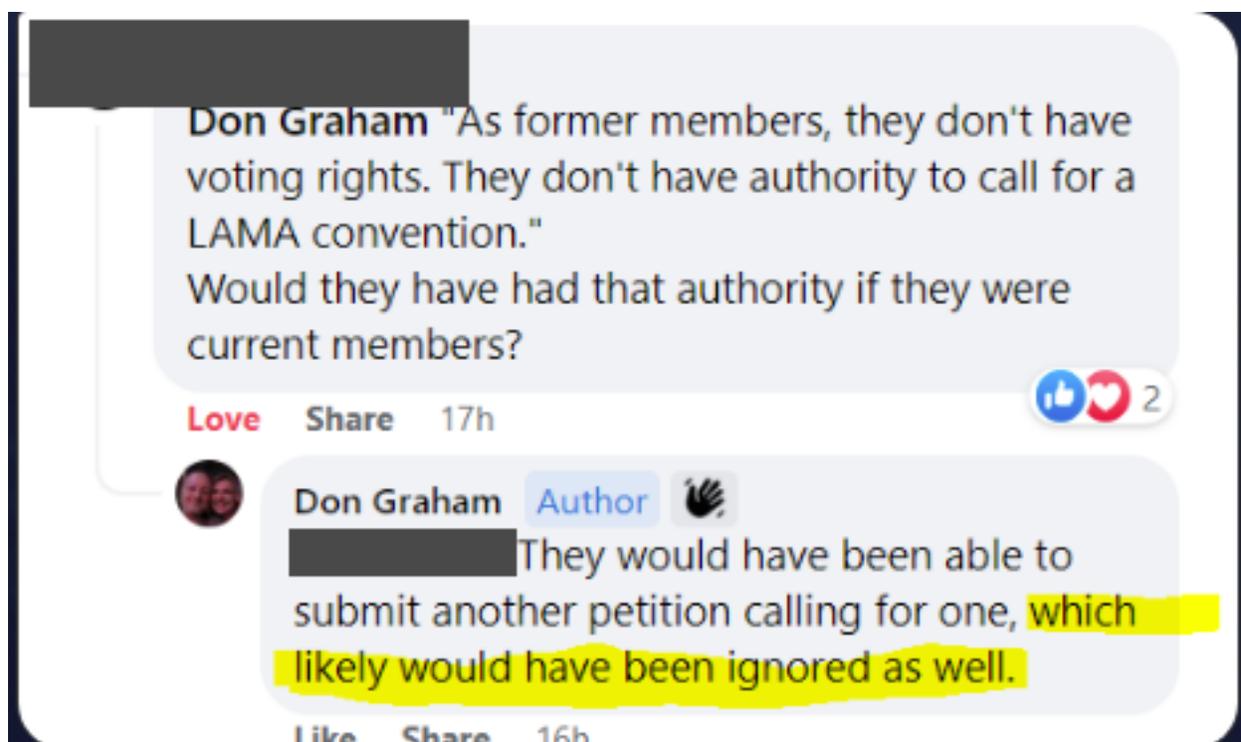
This Amicus is filed to memorialize the information provided in an email exchange with the Judicial Committee and Don Graham in which Judicial Committee member Tom Arnold correctly noted more properly belonged in an Amicus.

1. Don Graham's alleged legitimacy as LAMA Chair rests entirely on the legitimacy of the alleged predecessor State Committee

While the Petitioner greatly appreciates the quandary that Mr. Graham finds himself in and notes that he was not part of the offending State Committee that conducted the egregious acts that are underlying this whole unfortunate affair and thus is innocent of those acts, he cannot simply ignore that they happened and conduct himself as if there is now some clean slate in which he is the legitimate Chair. The LAMA Constitution provides that a certain number of members can petition for a Special Convention as long as an agenda is provided which Special Convention then **MUST** (not optional) be called by the State Committee. The requisite number of members did so. The State Committee then not only refused to do its duty, it instead expelled all of the signatory members in an act that was, as aptly stated by LNC Vice-Chair Ken Moellman, "simply awful." I can understand that Mr. Graham wants to distract attention away from the fact and that act, even if his distraction attempts are done unintentionally and unconsciously. It is terrible and unLibertarian and one of the grossest violations of member rights that this Petitioner has seen in this Party. There simply is no defense or excuse.

The signatory members then held the properly petitioned-for Special Convention. Mr. Graham attempts to claim that only the State Committee could do so and that the only recourse unexpelled members had was to petition again. Why? So they too could be expelled? Cris Crawford already made it clear at the January 23, 2022, LNC meeting that the desire was to purge all the alleged Mises Caucus members or their "sympathizers." The chilling effect of the State Committee's action cannot be understated.

And in fact, Mr. Graham seems to have conceded that a subsequent petition to that past State Committee would have been equally futile:



As the expression goes, “Nice work, if you can get it.” The State Committee, knowing that members were unhappy and wanted to let membership have the opportunity to replace them (or retain them, something that is rarely mentioned), instead just ignored their own Constitution to retain their power and to be sure these same members could not just replace them with other members that State Committee did not like at the next Annual Convention expelled them so they could have no future say unless they kissed the ring of the State Committee and begged to be let back in as long as they could prove they were the “right kind of Libertarian” that would never dare again to commit “petition aggression.”

State Committees, like the Chair or presiding body of any assembly, cannot simply ignore a properly made motion or petition. General parliamentary law and equity permits “putting the question from the floor” which is what the petitioning members did in calling the Special Convention themselves after exhausting every opportunity to work with the State Committee and asking the assistance of the LNC.

If that Special Convention was valid, and the Petitioner firmly believes it was, Mr. Graham is not Chair of anything as the terms of the alleged predecessor State Committee ended at the Special Convention, and they had no authority to call and/or conduct the Annual Convention at which he was allegedly elected.

2. Assuming ONLY for sake of argument that the Special Convention was invalid, Don Graham's alleged legitimacy as LAMA Chair rests entirely on the legitimacy of the alleged Annual Convention on April 23, 2022

The voting rights of members is part of the *sine qua non* of membership. If persons were invalidly expelled (and the fact that the number of persons allegedly expelled were more than the number of people who attended the convention which was also behind a pay wall is also quite damning) and thus denied their voting rights, this constitutes a continuing breach of the Constitution and Bylaws under which no actions taken are valid. Thus, if the members were invalidly expelled, all actions taken at the Annual Convention, including the election of delegates, changes to the governing documents, and the election of a new State Committee are null and void even IF the expelling State Committee were still in power.

3. The State Committee had no authority to summarily rule the petition out of order at a State Committee meeting

If the petition was allegedly out of order due to an issue in its agenda, as long as the rules for submitting the petition in the Constitution were followed (which they were), the Special Convention MUST have been called, and then the presiding officer could rule the agenda out of order immediately after opening gavel giving the affected members the right to appeal the ruling. This is also basic parliamentary law. However, and the fuller arguments for this will be presented if necessary at a later date, the agenda was NOT out of order: it called for the election of nine (9) State Committee members and the Constitution allowed for the election of up to nine (9) State Committee members. Up to nine (9) includes nine (9). Further the interpretation of a society's Constitution in the case of any ambiguity is up to the society not the State Committee. The overstep and overreach of that State Committee beggars belief.