

Mr. Chappell:

Thank you for your prompt email. However, you are operating under some fundamental misassumptions. You are correct, I am not an attorney; I, in no way, made any such claim. Parliamentarians represent people thousands of times of day in an advisory capacity and that is what I am doing in this instance, as I have done numerous times in the past, and am doing for other clients at the present. This is not at all an unusual situation. I understand that the term “general parliamentary law” can be confusing, but it is a term of art, not a term of legality, referring to the body of interpretation that is binding in societies such as the Libertarian Party of New Mexico that have not adopted a specific parliamentary authority. As the gold standard in parliamentary authority, in the vast majority of cases Robert’s Rules of Order, Newly Revised (RONR) embodies the general parliamentary law. If you will allow me an anecdotal reference, back in 2020 when the issue of an electronic national convention came up, the special counsel for the Libertarian National Committee (LNC) retained a parliamentarian to advise him in what he should recommend to the LNC. We are considered as specialty advisors.

You are correct, however, in saying you have no legal obligation that I am aware of, other than honoring the professional request of your member, to communicate directly with me. In that case, you can respond to him; he will send to me to craft a response; and then send that response to you; and so on. That seems unnecessarily cumbersome, but if that is what the Executive Committee wishes, we can certainly proceed in that manner. You can see that Mr. Askin is copied here, and I run every communication by him prior to sending to you. If I may be a bit bold, I would recommend that the Executive Committee obtain the advice of parliamentarian in this manner because you are fundamentally not apprehending the issues raised.

Yes, Mr. Askin received an email about the special convention ONE DAY prior to the event. Mere notification is not the issue: the issue is the *number of days* and the *method of notice* as **required** by your Constitution and Bylaws for ALL members, not just Mr. Askin. The requirements of notice embodied in any society’s Constitution and Bylaws are sacrosanct and un-waivable. The fact that he was present is also not the issue. While most violations must be objected to at the time of breach or be waived, notice requirements are not such an issue as they constitute a continuing breach of the Constitution and Bylaws which cannot be waived. I refer you to RONR (12th ed.) 23:6 and 25:10 which embody these principles (unless you are claiming that every single potential voting member of the LPNM was present):

25:10 Rules protecting absentees cannot be suspended, even by unanimous consent or an actual unanimous vote, because the absentees do not consent to such suspension. For example, the rules requiring the presence of a quorum, restricting business transacted at a special meeting to that mentioned in the call of the meeting, and requiring previous notice of a proposed amendment to the bylaws protect absentees, if there are any, and cannot be suspended when any member is absent.

23:6 The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach—that is, at any time that the action has continuing force and effect—regardless of how much time has elapsed. Instances of this kind occur when: a) a main motion has been adopted that conflicts with the bylaws (or constitution) of the organization or assembly.

Thus, I reiterate my request for the relief outlined in my prior communication in the time frame requested. If the Executive Committee wishes to send its final response to Mr. Askin who will forward to me for review, that is also appropriate.

I look forward to your timely response. Mr. Askin wishes to resolve this as privately as possible but is intending upon pursuing every remedy possible if that proves impossible.

To put things simply, the Executive Committee cannot ignore its Constitution and Bylaws with impunity, and any such actions done in violation of that document is null and void. It is particularly problematic when that action involves the qualifications of national delegates as that is cause for a legitimate challenge to the entire delegation at the national convention. This Party has lately seen a lot of very questionable behavior on the part of state parties in an attempt to discriminate against a very specific group of members. Without a response to the question as to why the Executive Committee felt it was “urgent” to take this action, it leaves this question open to speculation which may admittedly be entirely off-base.

Mr. Askin looks forward to the timely response of the Executive Committee.

Caryn Ann Harlos