

AMICUS BRIEF IN FAVOR OF HINDS APPEAL BY THE BELOW SIGNATORIES FROM THE BOARD OF DIRECTORS OF THE LIBERTARIAN PARTY OF COLORADO (LPCO)

Introduction: The two pending Delaware appeals should alarm every single affiliate in this country as it involves two significant issues:

1. The utter dysfunction of the current Libertarian National Committee (LNC) and the chain of events which included the removal of Secretary Harlos and censure of At-Large Representative Smith and the political motivations that appear to have driven those actions.
2. Treating mere claimants as having equal status and standing to the duly-elected leadership of a recognized affiliate

While the second point is the one directly relevant to the LPCO and every other affiliate, that situation is a direct waterfall effect from the facts in point one. This brief will spend the majority of its argument on the second point and conclude with showing how the first point led directly to the second and has placed this Party in existential danger which must be stopped in its tracks by this Judicial Committee despite its abject failure to properly decide the Harlos appeal with the exception of Dr. Ruwart and Party Founder D. Frank Robinson.

1. The Board of Directors/State Committee elected at an annual convention should carry the strong presumption of legitimacy absent clear and convincing proof of a change

The national Libertarian Party (National) is a political organization in affiliation with state Libertarian parties that routinely change leadership through elections at regular conventions, usually annually. This change of leadership is customary and routinely acknowledged by the LNC. There is never any claim that the LNC is violating the autonomy of an affiliate by automatically recognizing this regular change, and it would be absolutely ludicrous to even make such a suggestion. There are additional times throughout the year when leadership routinely changes without controversy through resignation and other events which create vacancies. Absent any challenges, these too are handled as a given by National as part of the regular operations of an affiliate.

The issue at play in the Delaware affiliate is what happens when a rival group claims to have completely taken control of an affiliate outside of the events of a convention – how should this claim be treated? Since such a complete change is NOT routine and is ripe for abuse, any such drastic change should not be treated as automatically legitimate if there is any objection from the Board duly elected at an appropriate convention. Any such rival claimants should be treated as making a mere claim that they have to prove with clear and convincing evidence which necessarily involves proving that they followed their own rules and bylaws. If there is any question on this at all, the presumption should automatically favor the group that WAS elected in the routine manner. This is not only common sense, but also the only way to avoid setting a precedent of utter chaos.

This is such a concern to the LPCO because as things stand right now, any Tom, Dick, and Harry can simply claim to the LNC with some half-baked story that they legitimately deposed the legitimate LPCO

board and suddenly be treated as if they have an equally valid claim that the legitimate board must rebut. This is exactly backwards. The rival claimants have the burden of proof-- extremely high burden of proof--and until such burden is met, the routinely elected Board must be treated as legitimate by National. Any other practice poses an existential threat to each affiliate in this country and makes the Party vulnerable to actual hostile takeovers, not from Libertarians that some bitter sub-group disagrees with in an affiliate, but from actual and open operatives from rival political parties or even foreign actors. The lack of backbone and decisiveness of this National Committee is laying the groundwork for the potential destruction of this entire Party.

In his argument on behalf of the LNC, Vice-Chair Ken Moellman stated that the membership is the affiliate; not the board or any claimants to board positions. That is only half-correct. The membership is the Party, but the membership as a whole elects its agents (the Board) to act as if it were THEM during the time between valid conventions, so the Board stands in place of the membership during that time and thus is intrinsically bound up in the identification of the affiliate. When the LNC refuses to recognize a legitimate board, as it did with Mr. Hinds and Dr. LePore on November 21, 2021, it has refused to recognize the chosen agents of the membership, and thus performed a constructive disaffiliation and disenfranchisement and did it without even the high vote threshold required by the national Bylaws.

2. The current situation is a direct waterfall effect from the Libertarian National Committee's malicious removal of a political critic and hypocritical censure of another

Several times in the McVay brief, allusions are made to the LNC's removal of its duly elected Secretary for being critical of the LNC's performance and for philosophical differences. Mr. McVay analogizes those actions to his own claiming that the three allegedly ousted board members were disruptive to his vision with the clear implication being that if such an underhanded action was appropriate for the LNC, he is merely following their lead. Other affiliates have followed suit which are very likely to lead to additional appeals, specifically Massachusetts in deciding that critical words are violations of the non-aggression pledge as alleged by the LNC in its charges against its legitimate Secretary for her critical words and that bylaws-complaint steps to replace the board were further aggression. This waterfall effect will not end here if this Judicial Committee does not put a stop to it with the inevitable result of a fracture in the Party from which it may be impossible to recover.

Conclusion: The below signatories from the Board of Directors of the Libertarian Party of Colorado, the birthplace of the Party, see these events as a direct threat to the Colorado affiliate and believes that any other affiliate paying close attention to these events should so as well.

Signed,

Wayne Harlos, LPCO Chair | Hannah Goodman, LPCO Vice-Chair | Caryn Ann Harlos, LPCO Secretary | Daniel Lutz, LPCO Fundraising Director