

Dr. Mary Ruwart and fellow Libertarian Party Judicial Committee members,

I would like to thank you for taking time to consider not only this brief, but for taking time to consider the appeal made by the Libertarian Party of Delaware. I served the Libertarian Party of Delaware as State Chair from 2017 through 2021, alongside Mr. William McVay, Mrs. Mary Pat McVay, Ms. Gwendolyn Jones (2017-2019), and Mr. James Brittingham, four State Board members who participated in the evisceration of the rights of the members of the LPD. Despite having no caucus affiliation, being a National Lifetime Member, having served on the State Board for four years, and running a campaign for Governor in 2016, by the reckoning of Mr. McVay, et al, I have no right to address you as an aggrieved member, let alone participate in Delaware Libertarian meetings, conventions, the election of officers, or the nomination of candidates, simply because I've condemned their actions, and support the right of 2,160 other members, to be able to participate in their party, and to be represented by principled officers.

The 1 October 2021 "meeting", where during the span of 5 minutes, Bylaws were changed, and three officers were removed, is a key factor in whether any subsequent actions taken by Mr. McVay's "plotters" should be considered valid. The AoA and Bylaws state that all State Board meetings and Conventions shall be held in accordance with RONR unless superseded by the AoA and Bylaws. Because our Articles of Association state that officers shall serve for a fixed term, according to RONR, officers can only be removed for cause, and only after an investigation, charges being preferred, and a trial. Our AoA and Bylaws are silent on the process, providing only the threshold to be met for removal. Because none of this was done, a great number of rank-and-file members don't see as legitimate, any subsequent action of Mr. McVay's board.

On 15 November 2021, at a regular monthly meeting of the Kent County Libertarian Party, Mr. McVay refused to recognize any but his whitelisted voting members (including three children under the age of 10). The disaffected members broke off into a separate meeting of the body and unanimously voted to establish a committee to investigate the actions of three Kent County members who participated in the attempted coup. A special meeting was held on 10 December, and the investigative committee recommended charges and all charges and specifications were adopted unanimously with only minor editorial changes suggested by the body. Notification was made to the three accused, and a trial was held in executive session on 10 January 2022, with all three accused absent. All three members were found guilty on all charges and specifications, and all three individuals were removed from their respective county offices, and made ineligible to hold county office for one year from the date of the trial. Further, Mr. McVay's county membership was suspended for a period of three years with a process for review and appeal by the body of the Kent County Party. None of the same rights to due process were afforded to Mr. William Hinds, Dr. Amy LePore, or Mr. Dave Casey, prior to their removal by their peers on the State Board. None of the same rights to due process were afforded to the members who were disaffiliated because they weren't a part of Mr. McVay's clique.

Regardless of the decisions made by the LNC, or by the JC, I'm incredibly proud that for my tenure as State Chair of the Libertarian Party of Delaware, the State Board consistently made decisions based on principle and integrity, *ESPECIALLY* when it came to protecting the rights of our members. In 2017/2018, when three individuals tried to use Delaware Corporate Law to try to take over control of the Party, the State Board conducted a deliberative and progressive plan for discipline for those three individuals based *solely* based on the fact that they were registered Libertarians. It took a period of three months to go from censure to suspension of membership in the party and included a process for appeal before the convention body. I'm happy to say that one of the members of that attempted takeover actually came back to the fold and is a member in good standing in our New Castle County affiliate. It should be noted that this was the first disciplinary proceeding in the history of the LPD, and the four aforementioned Board Members participated in that process. I would also be remiss if I didn't mention, that under the guidance of Dr. James Lark and Mr. Nicholas Sarwark, we received the legal assistance of Mr. Oliver Hall, Special Counsel to the LNC, for legal guidance through the process of filing a writ of mandamus with Delaware Superior Court, securing Ballot Access for the rightful stewards of the LPD.

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I would also like to happily take responsibility for my shortcomings during my tenure as well. One result of this first disciplinary action was an overhaul of our Articles of Association and Bylaws. We had no parliamentary or legal guidance in their creation, and we did the best we could based off our very limited understanding of parliamentary rules. My defense of those Articles and Bylaws was and still is solely based off the Party's philosophy and precedent set during my tenure and followed shortly after by my predecessors (I resigned my position as Chair two months prior to the 2021 State Convention), not from that of an outside Registered Parliamentarian.

Mr. McVay stated on the System is Down podcast, that what he did was deliberate, elusive to key members of the Board, and unethical. His home county went through a deliberative process, whether valid party members or not, and tried to hold him and his conspirators accountable. Mr. McVay had a previous example in which he was actively engaged as a co-petitioner before the Superior Court of Delaware, to follow in order to do what he thought was right, and in the right way. The only way Mr. McVay's board can continue to hold on to what they've done is to cut out the 2,161 members who might object to their actions, and they've tried to do that. Articles, Bylaws, and Parliamentary rule are there to protect the members of any given body, not to be a club for those in power to abuse that power. The members of the Kent County Libertarian Party have concluded a deliberative process Mr. McVay denied to his fellow board members, and the members of the State Party are in the process of doing the same. If the LNC doesn't have a responsibility to protect members of their affiliates, and the JC doesn't have the power to get them to do so, then I call on you all as libertarians to stand by *our* moniker as the "Party of Principle" and stand with the members of the Libertarian Party of Delaware. I ask you to reaffirm that we aren't a party of political expediency, but a party that does the right thing, in the right manner, because it is the right thing to do. Otherwise, what are our activists and volunteers working towards? To what end are Delaware Libertarians working? If we don't acknowledge the shortcomings and failures within our own party, then we only ensure a future of mediocrity, providing an alternative to the two major parties that is only different in name and platform, rather than in holding the objective difference of acting out of principle in *everything* we do. I want to thank you for your time and consideration.

Yours in Liberty,

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Sean L. Goward,  
Former Chair (2017-2021)  
Libertarian Party of Delaware