

January 27, 2022

State Committee Members:

I have been retained as advisory parliamentarian by Brodi Elwood and certain other select members of the group of LAMA members who were signatories to the Petition for a Special Convention. I am not writing solely as a parliamentarian, however, but also as a Libertarian, committed to this Party and its principles. I will try to clearly state to which "hat" I am referring to in this communication.

To say that your actions of January 10, 2022, were beyond any bounds of Libertarian ethical principles, parliamentary protocol, and potentially the laws of the state of Massachusetts would be an understatement. I am not an attorney and while I may express some personal opinions about legal matters in this letter, none of that should be taken as legal opinion or advice which I am not qualified nor licensed to give. I have advised my client to seek legal representation and assert any legal rights they have that are within the bounds of their Libertarian consciences. At a minimum, to me, this Committee is guilty of potentially actionable defamation for which you may be personally liable if any of the people so defamed believe this is a Libertarian legal cause of action. In addition, there may be a cause of action for fraud since there was an exchange of money involved in these memberships which may be deemed to create a quasi-contractual relationship which you breached. Further, it seems like the former Chair, Ashley Shade, breached the state laws of Massachusetts (Title VIII, Chapter 55, Section 5A) which is intended to prevent PAC officers from diverting funds and activities to their own personal campaigns to the detriment of other goals of the PAC. This charge is being claimed by multiple members of the LAMA, and if true, this might be very serious indeed. A properly credentialed attorney would need to review these issues and make a legal determination.

I understand that your organization has adopted the Democratic Rules of Order (DRO) as its parliamentary authority **for state committee meetings**. Whether this was the intent or not, there is no adopted parliamentary authority for any other setting. In cases where the governing documents and the parliamentary authority are silent (or there is no parliamentary authority), issues are ruled by custom and general parliamentary law. In researching the prior parliamentary authority, I have confirmed it was Robert's Rules of Order, Newly Revised (RONR), and not just for state committee meetings but for the entirety of LAMA business. This is important because DRO is lacking many critical details and because you have no adopted parliamentary authority in settings outside of state committee meetings. The past use of RONR makes it the default custom, and as the gold standard in parliamentary authority, RONR generally articulates general parliamentary law. DRO is wholly inadequate for political entities and puts you under principles that are general and wide-reaching rather than tailored specifically for your organization.

There are multiple areas of violation that I will detail out here for you with the demand of my client to recognize your meeting and decisions of January 10, 2022, null and void, with the

immediate recognition of the valid membership of all 47 allegedly expelled individuals, and to set the date of the Special Convention to be published within five (5) days of this letter.

1. The meeting was “illegal,” and all decisions made were thus *void ab initio* as the chairwoman was disqualified by law from that position and no chair *pro tem* was ever appointed

Whether or not we enjoy this idea as Libertarians, the laws of the land are superior to our governing documents and parliamentary authority and general parliamentary law also presumes this basic fact. And since this particular law is intended to protect members from fraud and misuse of authority in an unequal power relationship, it can be argued to have at least a minarchist justification. A meeting must be validly called and chaired, and since the Chairwoman was disqualified (even prohibited) by law from serving as Chair of the LAMA there was no valid meeting, and all actions taken therein are as if they never happened. It is deeply disturbing that Chairwoman Shade exposed the LAMA to this potential legal liability with impunity and instead of resigning on the spot the minute this was brought to her attention, she instead made her resignation effective at midnight on the night she wrote the potentially defamatory letter.

2. Two of the members of the State Committee were ineligible for said Committee and thus, even if the expulsion action was in order, the 2/3 vote was not achieved

As stated above, Chairwoman Shade was not eligible to serve as Chair and an additional member of the State Committee was not a Massachusetts resident for the past approximately six months and thus also ineligible for the State Committee bringing the entire State Committee membership to seven. A 2/3 vote of the seven eligible members would be five. Out of the six affirmative votes, only four were eligible to serve on the State Committee and thus the 2/3 required vote was not achieved.

3. The State Committee violated member rights by refusing to set the Special Convention on the pretext that the agenda violated the Constitution and/or Bylaws.

The LAMA Constitution provides in Article II.5 the following (emphasis added):

If 10% or 500 (whichever is less) of the current dues paying membership signs a petition requesting a special state convention, and mails or presents the petition papers to the state committee, the state committee **must organize a state convention** to be held between 30 and 60 days of the date of delivery of the petition to the state committee. In a single calendar year a state party member may not sign more than one petition requesting a special state convention.

The Constitution says this **MUST** happen upon the submission of the petition. It gives no authority to invalidate upon the grounds that the agenda is out of order. In fact, if the agenda is out of order, that is a decision that **MUST** be rendered at the Call to Order of the Special Convention so that it can be appealed by the people who have the authority to do so; *i.e.*, the

members in convention. Despite former Chairwoman Shade's prior assertions, the DRO and general parliamentary law do allow appeals from her decisions. The Board is NOT the ultimate interpreter of the Constitution. The members are. The State Committee violated their rights by not giving them the opportunity to decide this issue themselves. Further, the agenda does not violate the governing documents as they do not prohibit elections at special conventions and nothing in the agenda is attempting to prevent the elections of the State Committee at the Regular Convention in the ordinary case of business nor does it prohibit the members at the special convention from choosing to affirm the election of the current State Committee by re-electing them.

This right to a special convention is rendered toothless if it is claimed, absent a specific Bylaws or Constitution provision, that a recall election is not allowed since it is obvious that the main reason for having a right to call a special convention is specifically to address member dissatisfaction with a State Committee to the extent that they feel they have to take matters into their own hands. By unilaterally rejecting the petition (and then expelling the petitioners!) on the grounds that they may replace the State Committee merely proves that they had good reason to be dissatisfied and concerned enough to take such a drastic action.

4. The State Committee grossly violated the basic principles of Libertarian justice by expelling members in secret, without notice, and without an opportunity for their defense.

While the Bylaws do provide the authority to expel a member for cause, there is no warrant for a mass expulsion for merely signing a petition to exercise a right that the Constitution gives them. There is no warrant for a mass expulsion at all, and that is completely repugnant to the Libertarian principle of individualism. Signing a petition is not in any reasonable universe cause for expulsion; it certainly gives the appearance of gross retaliation for exercising a right, one that threatened titles and positions. Additionally, this alleged "misconduct" did not occur at a State Committee meeting and thus is not governed by DRO but by custom (RONR) and general parliamentary law. RONR (12th Ed.) 61:22 details the rules governing expulsion for offenses that occur outside of a meeting:

Offenses Elsewhere Than in a Meeting; Trials

If improper conduct by a member of a society occurs elsewhere than at a meeting, the members generally have no first-hand knowledge of the case. Therefore, if disciplinary action is to be taken, charges must be preferred and a formal trial held before the assembly of the society, or before a committee—standing or special—which is then required to report its findings and recommendations to the assembly for action. In addition, even when improper conduct occurs at a meeting, in order for disciplinary action to be taken *other than promptly after the breach occurs*, charges must be preferred and a formal trial held. However, the only way in which a member may be disciplined for words spoken in debate is through the procedure described in 61:10–18, which may be employed only promptly after the breach occurs. In some societies

(depending on particular provisions of the bylaws, as explained in 62), the same steps must also be employed if an officer of the society is to be removed from office. The procedures governing all such cases are described in detail in **63**.

The State Committee quite obviously did not employ this procedure and instead never notified the subject members that they were being considered for expulsion, never gave individual evidence for valid cause for suspension, and never gave individual opportunity for defense at a minimum. Additionally, there is zero authority for mass expulsions, and even if all the due process protocols were followed, there must have been individual motions for each expulsion instead of a collectivist mass expulsion for thought crime (Bylaws Article I.3).

It is also noted that two of the expelled members were members of the State Committee which have these rights explicitly spelled out in the Constitution (Article IV. 10).

Please consider this letter a demand for the immediate reinstatement of ALL of the signatories and the setting of the special convention within five (5) days of this letter.

Caryn Ann Harlos