

MARTIN V. LIBERTARIAN NATIONAL COMMITTEE

To Declare Invalid the LNC Action Purporting to Void the Region 1 Election of May 10, 2025 and to Clarify the Interpretation of Sustaining Membership Status, Rights, and Regional Autonomy

AMICUS OF CARYN ANN HARLOS

Date: March 5, 2026

I submit this amicus in support of the Respondent Libertarian National Committee (LNC) with one notable exception. I respectfully disagree with the LNC's position that Petitioner's Request for Relief 6 should be granted. This stance implies that the Judicial Committee (JC) possesses an advisory or recommendatory role beyond its explicit mandate, which it does not. Request for Relief 6 seeks the JC to "[r]ecommend adoption of clear, uniform procedures governing sustaining-membership lapses, notice, and opportunities to cure, consistent with the Bylaws and Robert's Rules of Order." Such a recommendation exceeds the JC's narrowly defined authority under the Libertarian Party (LP) Bylaws which is strictly adjudicative, not advisory, or consultative. As outlined in LP Bylaws Article 7, Section 12:

Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void.

This provision confines the JC to a reactive, veto-oriented function focused on concrete disputes over existing LNC actions. It does not empower the JC to issue prospective guidance, policy recommendations, or suggestions for Bylaws amendments, a role reserved for the Bylaws Committee, or delegates assembled in convention. Granting Relief 6 would impermissibly expand the JC's scope.

1. The Judicial Committee is Not an Advisory Body

The JC lacks any advisory function, and Petitioner's Request for Relief 6 (along with any similar pleas for "clarification" or "guidance" untethered to an ongoing Bylaws breach) essentially solicits one. The Petition involves a situation where the underlying dispute has been resolved: Mr. Wiley was validly elected on May 24, 2025, and he was seated as Region 1 Second Alternate, rendering the challenged LNC action moot with no continuing force or effect.

The JC is an entity foreign to Robert's Rules of Order Newly Revised, 12th Edition (RONR) which does not contemplate a standing judicial body for ongoing rule interpretations outside of meetings. Instead, RONR vests interpretive authority in the presiding officer during sessions (subject to appeal) or in the assembly itself (RONR §23). The JC's scope must therefore be interpreted through analogous parliamentary principles and frankly common sense, ensuring it aligns with the Bylaws' text and purpose without overexpansion and misuse of its privileged status.

This issue resolves into two subparts, as detailed below.

a. The JC Should Have No Privileged Position to Suggest Bylaws or Policy Revisions

The Bylaws Committee is tasked with proposing amendments and clarifications to the governing documents, and the LNC is tasked with created Special Rules of

Order. Above both of these, the delegates assembled in convention hold ultimate authority to adopt, reject, or refine such proposals and to direct the LNC to adopt specified Special Rules of Order. Inserting the JC into this domain would grant it a privileged interpretive or recommendatory voice. Individual JC members are certainly free to do so in their individual capacities, but not as the JC *qua* JC.

b. The JC Should Not Render Decisions on Dead Issues, *i.e.*, LNC Decisions Without Continuing Force and Effect

The JC's authority, as stated, is limited to considering appeals that challenge whether a decision of the National Committee contravenes specified sections of the bylaws, with the power to veto such decisions and declare them null and void. This authority is properly exercised only when the challenged LNC decision has tangible, ongoing impact. Here, the Petition admits Mr. Wiley resigned post-valid-election but claims the issues "are capable of repetition and warrant authoritative clarification." However, RONR prohibits rescinding motions which do not have continuing force and effect (RONR 35:2(2)) and further states that bylaws breaches are subject to appeal only when they have continuing force and effect (RONR 23:6(a)), These rules bar adjudication of resolved matters. The LNC's initial voiding was superseded by a later valid election, leaving no active "decision" for the JC to veto, as the matter has been fully resolved without continuing effect.

A further nonsensical result of entertaining moot appeals would be to set a precedent allowing petitioners to dredge up years-old, "dead" LNC issues with no current relevance. Since JC opinions are not binding precedent (as the Petition itself notes prior decisions are "informative" but non-binding), issuing rulings on such dead issues is doubly futile: they provide no enforceable guidance. For example, hypothetically, could I once again appeal the now-dissolved RFK Jr. Joint Fundraising Agreement to the next JC elected at the upcoming national

convention with an argument that was not raised in my initial appeal (or even just raise it again with a new JC since rulings are not binding) even though the agreement has expired and holds no continuing force? Such a slippery slope would invite endless re-litigation of historical grievances.

2. Neither the Regional Agreement (nor “Regional Autonomy”) Can Contradict LP Bylaws and any Interpretation which puts it in Conflict is Void

Regions are subordinate entities (formed under the authority of the LP Bylaws, much like state affiliates. Just as the LP Bylaws charter state-level affiliate parties and prohibit them from taking actions inconsistent with those Bylaws (Art. 5, Secs. 2 and 4), regional formations operate within the framework set by the LP Bylaws (Art. 7, Sec. 2(c)). The autonomy of these regions, similar to that of affiliates, shall not be abridged except as provided by the Bylaws (Art. 5, Sec. 5). However, this autonomy does not extend to adopting agreements or interpretations that conflict with explicit national provisions, such as membership eligibility requirements for service on the LNC. An interpretation of “regional autonomy” allowing Mr. Wiley's election despite his lapsed status at the time of his purported election would create such a conflict, rendering that interpretation void. Limitations on subordinate entities arise from the rules of the parent body, as RONR notes that while a society is free to adopt rules, these are constrained by parent organization restrictions (RONR 2:2). Thus, the Regional Agreement and autonomy must be construed in harmony with the LP Bylaws; any conflicting reading is invalid, and the LNC's action to enforce national eligibility standards was proper. The Petitioner’s argument by “autonomy outrage” simply does not hold water.

3. Secrecy of Identity of Co-Petitioners and Lack of Signatures Invalidates Petition

First, I have to repudiate a past position I held, that being that signatures triggering a jurisdictional threshold for JC review could be filed under seal. I have come to be convinced, partly through a lively back and forth with Mr. Krawchuk, that such is illogical under the Bylaws, the JC Appellate rules, and member transparency. “Upon appeal by” in the LP Bylaws (Art. 7, Sec. 12) means they are literally joining in the appeal which requires consent and agreement to the substance of the Petition, or an agreement to let a primary appellant or appointee speak for them. The JC needs to see that agreement and any limitations as well as their actual consent. No one should be able to just claim that others agree with them in any binding way without a showing of that agreement or consent, typically, via signature, which matches the decades-long practice of the JC. The JC must determine if standing is established before taking a case. There is no standing without meeting the petition threshold just as much as if there is no subject matter jurisdiction.

The JC Appellate rules also support this position; the petition must contain “*the verifiable identity of each member, affiliate, or Party committee petitioning for the requested ruling (“petitioner(s)”*” (JC Rules 1.3.3). Not just their identity; their verifiable identity. Such a requirement would be satisfied by a wet or electronic signature. Also in the Appellate rules, “*Copies of petitions and responses and amici shall be made available electronically to any sustaining member upon request*” (JC Rules 5.2). I did request the names and was summarily denied despite that rule; no showing that the JC by a 2/3 vote suspended that rule; and my status as a life member. I also argued that signatures were required and was told that the LNC authorized representative was given the names for verification and that there was an “agreement” from the JC to keep the names secret. What agreement? How is that even valid? Further, disclosure to the LNC (who is under no obligation for secrecy) defeats the entire purpose of the Petitioner’s request which based upon fear of retaliation since the Petitioner has been claiming retaliation by the LNC for months now. Additionally, any

argument from incredulity that a Petitioner would falsify a list of names will not do. A deficiency could be inadvertent. I am certainly not accusing anyone. But there can be no incredulity since appeals by their nature often accuse the LNC of at least some form of wrongdoing or error, so trust but verify is the rule here. If it is not incredible that the LNC could have done wrong, unintentionally or otherwise, due diligence requires that same scrutiny to the other side.

This Petition should be dismissed without prejudice giving the Petitioner time to provide signatures and for the names to be made public.

4. Wiley Was Ineligible at Time of Election Resulting in An Invalid Election

I will respect the time of the JC and not repeat the well-presented arguments made by the LNC, though I might quibble with terms like the applicability of the parliamentary device of ratification. The result of the second Region 1 vote was effectively re-doing the election despite what words were used, and the will of the Region was clear by majority vote.

I must personally object to a mischaracterization in the Petition as follows:

“Neither the Chair nor the Secretary is granted unilateral authority under Article 6 or Article 7 of the Bylaws to declare a regional election void.” It is a good thing that the Secretary (me) did no such thing. My public notice of Mr. Wiley’s ineligibility was issued at the time at the direction of the Chair. The Chair in fact does have authority to make rulings on the interpretation of the LP Bylaws. Those rulings can then be properly appealed, which it was in this matter, and the ruling of the Chair was sustained.

When an ineligible candidate is purported to be elected, it is an invalid election as a candidate must be eligible at the time of election (RONR 46:49(a); 54:23). Mr. Wiley's election, as an ineligible non-sustaining member, constituted a continuing breach of the Bylaws (Art. 7, Sec. 4), making it null and void (RONR

23:6(a)) upon a sustained ruling of the Chair declaring such. There was no "removal" since he never properly occupied the position, distinguishing this from cases like *Wrights* (2009), where the individual was already a seated member. No disciplinary proceedings were required, as he was not yet on the LNC.

I would note that the *Wrights* case is not binding in any event, and I personally disagree with the reasoning in that Decision and believe that a lapse during one's term does vacate the seat if the lapse persists for longer than one month due to the wording of the Bylaws, which specify a 12-month period in which to pay dues, not 365 days (Bylaws Art. 4, Sec. 4). Thus, I would have come to the same conclusion in *Wrights*, but from different reasoning. In this matter, Wiley's "cure" would not matter even if the eligibility requirements were ignored (which should not be ignored and cannot be retroactively cured), as his lapse comprised several months. One must be eligible at the time of election as demonstrated in the LNC brief. I would also refer the JC to National Parliamentarian 81-1, pp. 17-18 (images of article attached; available at https://issuu.com/parliamentarians/docs/nap_np81-1-www), which emphasizes that a candidate must be eligible at the time of election.

Thank you for your time and service.

Caryn Ann Harlos, life member

QUESTION 73: In our organization, the officers must live within 30 miles of the city center. Our vice president lives in the suburbs and was the only candidate for president. Shortly before the elections, the vice president moved from one part of her suburban town to another. No one thought anything of it. The vice president was elected without challenge at the annual meeting. Several months later, it was discovered that the president's new house was 35 miles from the city center and the president was therefore ineligible for office. Can she remain in office? Does anything special need to be done to remove her from office now?

ANSWER:

This is not a situation where there was an error in the conduct of the vote, which would have required an immediate challenge. RONR, pp. 250-51, 408-09. In this case the candidate was ineligible under the bylaws. That is a continuing breach. RONR, p. 251. That means that the president's eligibility can be challenged by a point of order in a meeting at any time that the president remains in office. See Q&AIV, pp. 56-57, q. 103. The president cannot cure the deficiency by length of stay in office, although acts taken by the president before the challenge will remain in effect as taken under the putative president's *de facto* authority. Moreover, the president cannot cure the defect by becoming eligible after the election, for example in this case by moving back to her prior home within 30 miles of the city center. A candidate must be eligible for the office at the time of the election. PL, p. 434, q. 68; Q&AII, p. 184, q. 824.

The election is therefore null, and void and the putative president is removed from office immediately upon being challenged. In this case, that means that the election was incomplete, and a special election should be held at a special meeting to vote on the replacement president. In the meanwhile, if there is a "holdover" provision allowing a president to continue in office until the election of a successor, the immediate past president would resume the office of president

until a special election could be held, just as the immediate past president would have remained in office under the "holdover" provision if there had been an incomplete election on the date of the annual meeting.