

**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 IN RESPONSE TO HECTOR ROOS**

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**Date: March 11, 2026**

This response will be limited to information not already covered or that which needs supplementation.

**I. Inherent Mootness**

Robert’s Rules recognizes that some questions may become moot when they lack continuing force (RONR § 35:2(2)). **However, actions taken in violation of bylaws remain subject to review and correction (RONR § 23:6(a)).** [Roos, page 5, emphasis added]

This is not correct. This is the entire preceding context for, and up through, RONR 23:6(a):

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... [emphasis added]

Nothing said here is novel. An alleged breach is moot when it is “healed.” In support, I attach a 2004 article from Jonathan M. Jacobs, “The ‘Healed’ Breach.” Though it references prior edition of Robert’s Rules, those sections have not changed and have been referenced by me with current citations. This is a well-settled parliamentary rubric.

Most importantly, this is a threshold issue. The JC could (and should) rightly determining that this is a moot issue and deny on those grounds without any need for further review.

## II. Lapse of Dues and Membership Rights

Roos is confused about differences between membership rights and eligibility requirements. Fundamental membership rights are:

A member of an assembly, in the parliamentary sense, as mentioned above, is a person entitled to full participation in its proceedings, that is, as explained in 3 and 4, the right to attend meetings, to make motions, to speak in debate, and to vote. No member can be individually deprived of these basic rights of membership—or of any basic rights concomitant to them, such as the right to make nominations or to give previous notice of a motion—except through disciplinary proceedings. (RONR 1:4)

There is no fundamental right to be eligible to be elected to the LNC, these are two different categories. RONR says that a member in arrears of dues cannot *their voting rights* removed (RONR 45:1); that is not pertinent to an eligibility requirement for office. That is the only carve-out in RONR. The LP Bylaws define a sustaining member of the Libertarian Party: “Sustaining members” are members of the Party who: a. During the prior 12 months have donated, or have had donated on their behalf, an amount of at least \$25.” (LP Bylaws Art. 4.4) and that LNC members must be sustaining members (LP Bylaws Art. 7.4). A

Libertarian Party member qua Libertarian Party member has no inherent rights vis a vis LNC *membership*. The LNC is a separate assembly from the Libertarian Party (though absolutely connected and related).

To take Roos' argument to its logical conclusion, no one could ever appeal to the JC based upon 1% of the sustaining membership as that number is practically unknown (again under his logic) spanning back to the formation of the Party as persons became in arrears of dues (LP Bylaws Art. 7.12). After all, under this expansive definition of "rights," they retain a right to be counted. Even further, his argument would require the conclusion that delegate allocations have never been correct for the same reason: all those lapsed members should have been counted in the formulas (LP Bylaws Art 10.3).

Per RONR 56.68(2) if there are two plausible (though I deny that Roos' arguments have merit or plausibility) interpretations of bylaws "one of which conflicts with or renders absurd another bylaw provision, provision, and the other meaning does not, the latter must be taken as the true meaning."

### **III. Due Process**

No fundamental rights as a member of the Libertarian Party were ever at issue (see above), so any citation to RONR §63 is simply misplaced.

### **A PERSONAL PLEA—AI IS NOT A LAWYER NOR A RONR EXPERT**

The Roos amicus contains telltale signs of being written by AI. How so? With RONR, AI is notorious for "blanket cites" that are so broad to be useless and specific citations that do not say what is represented. For example,

Robert's Rules instructs that governing documents must be interpreted according to their express provisions and that restrictions on member rights cannot be implied where the rules themselves are silent (RONR § 2:8; § 56).

RONR provides that:

- governing documents control the authority of officers and boards (RONR § 1:7)
- bylaws take precedence over all other rules and practices (RONR § 2:1)
- rules cannot be overridden through interpretation or administrative practice (RONR § 2:8)  
[Roos, page 2]

RONR 1:7 is not even remotely related to that point; RONR 2:1 and RONR 2:8 do not say what is claimed;<sup>1</sup> and RONR §56 is an entire chapter on the content and composition of bylaws comprising RONR 56:1-68. The completely improper citation method is also another giveaway (such as “§ 2:8” is very typical of AI when asked about RONR).<sup>2</sup>

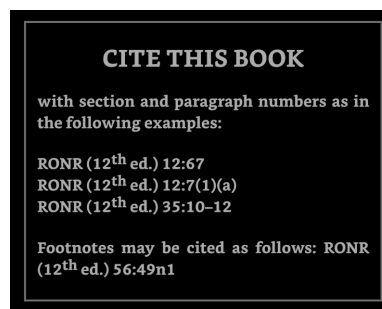
Perhaps Mr. Roos did not use AI, in any event the above example is a good exemplar of the less-than-tight argumentation and reasoning contained therein. If it was written by AI without double-checking, it is disrespectful to the members and to this JC to submit as worded. Wrong arguments can be submitted in good faith. There is no excuse for hallucinated citations that *exist* but do not say what they are purported to say or are so vague as to be useless.

Thank you for your time and service.

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<sup>1</sup> For example, do bylaws really take precedence over *all* other rules and practices? No. Procedural law (RONR 1:5) and the corporate charter (RONR 2:7) take precedence. Can rules really not be “overridden”? Not that it is relevant except to show that the improper handling of RONR in the Roos Amicus, but RONR 2.8(4) describes how certain rules contained within bylaws can in fact be overridden.

<sup>2</sup> I used the em-dashes ironically. Unfortunately, AI has ruined those too. I also note that the correct citation format is as shown below, though it is customary in the Party to shorten RONR (12<sup>th</sup> ed.) to just RONR. One should never use the “§” symbol unless really referring to an entire section and not a pin cite.



Caryn Ann Harlos, life member

## The “Healed” Breach

Jonathan M. Jacobs, PRP

A VIOLATION OF THE RULES, a “breach” of the rules, is subject to a point of order. In the vast bulk of violations of rules the point of must be made at the time that the breach occurs. Perhaps the classic example of this is failure to second a motion. *Robert’s Rules of Order Newly Revised (RONR)* notes that once the question has been stated by the chair, it is too late to raise a point of order (p. 243).

In a few cases, points of order do not need to be made in a timely manner. *RONR* defines these as being “breaches that are of a continuing nature” (p. 244). Some of these involve:

1. A main motion that conflicts with a previously adopted in force main motion, unless adopted by the vote needed to rescind or amend the previously adopted motion.
2. An adopted main motion that conflicts with the bylaws.<sup>1</sup>
3. Violations of basic rights of individual members, or of absentees.
4. Violations of fundamental principles of parliamentary law.
5. A main motion that conflicts with an applicable procedural rule included in a federal, state, or local law.

In such cases “a point of order can be made at any time during the continuation of the breach” (p. 244); actions taken in the above circumstances are void.

It is fairly easy to construct cases where a breach can occur for a long period of time. For example, assume that a main motion was previously

adopted to set the organization’s parking fee at \$15.00 per month. Then, a motion to set the parking fee at \$25.00 is adopted at the January monthly meeting by less than a two-thirds vote, with no previous notice, and with less than a majority of the entire membership even being present. Given the requirements to rescind or amend something previously adopted (p. 295), the adoption of this motion is subject to a point of order at that or any future meeting. Likewise, if the bylaws require that officers be members, the election of a nonmember officer at the January meeting for a two year term could be challenged at the February or any other meeting during the year. These would both be examples of a continuing breach—the breach exists beyond the instant that it occurs.

When the breach continues, the opportunity to raise a point can continue beyond the moment the breach occurs. In some cases, it would be possible for a point of order to be raised years after the breach occurred. It is also possible for the breach to end, or “heal” of its own accord, without any further action of the assembly. These “healed breaches,” though even less common than the continuing breaches, do occur. Changing some of the above examples will produce them.

There is a previously adopted main motion “that the parking fee shall be set at \$15.00.” At the May monthly meeting, a main motion is adopted, “that for the months of June,

July, and August of this year, the parking fee shall be set at \$25.00<sup>2</sup>. This motion is adopted without notice, less than a two-thirds vote and without a majority of the membership being present. At the monthly meetings of June, July, and August, nobody raises a point of order. In September, someone raises a point of order, but there is nothing to raise it against. If the motion had set the fee higher for three months of *each* year, not just the current one, it would be in force and subject to a point of order. The totally void main motion is no longer in force in this case; the “continuance of the breach” has ended (p. 244). Without any action of the assembly, the breach has healed, and a point of order can no longer be raised.

In January 2002, Mr. Saltzman was elected treasurer in the organization. The bylaws state that “The treasurer shall be bonded as a condition of eligibility and serve for a term of two years.” The bylaws set the election at the January meeting in even numbered years. In January 2004, Mr. Saltzman, who was never bonded, leaves office. Even though this violated the bylaws (and clearly is not a rule of order embedded in the bylaws), it is too late to raise a point of order after the January election. The assembly took no action, but the breach has naturally healed. If he were re-elected and still not bonded, a point of order could be raised. If he were bonded at the start of this term, but then the bond was canceled, a point of order could be raised. Because he is now no longer treasurer, it is too late to raise the point of order.

Even continuing breaches are not necessarily infinite breaches. In some cases, even if the assembly takes no further action, the breach, even a continuing one, can heal by itself.

#### Notes

1. Some exceptions to this are rules “in the nature of a rule of order” that are included in the bylaws (pp. 17, 244, fn.)
2. This is an example of a main motion that “specifies a time for the termination of its effect (p. 106 fn.). A motion that would set this effect each and every year would continue to have this effect.

#### Works Cited

Robert, Henry M., *Robert’s Rules of Order Newly Revised*, 10th Edition. Eds. Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Cambridge, Massachusetts: Perseus Publishing, 2000.

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