LIBERTARIAN PARTY — JUDICIAL COMMITTEE

Filing cover & attestation

Petition #15 — (d) Voiding of a National Committee decision

FILED BY

Jonathan Jacobs is a sustaining member through 08/05/2027.

POSITION

Filed in support of the petitioner

ATTESTATION

Jonathan Jacobs attests that they are a sustaining member through 08/05/2027 filing and signing this amicus brief as themselves in their individual capacity. They further attest that they adopt, incorporate, endorse, and accept ownership of the material contained within this amicus brief as their own. They further attest that this amicus brief is known to them to be factual and does not contain content which violates the itemized list of unacceptable material outlined in Rule 2.8 of the Judicial Committee Rules of Appellate Procedure.

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Petition #15: Voiding of a National Committee Decision

Re: The Various Suspensions of the Rights of Membership of Austin Martin (Jacobs, et al. vs. LNC)

AMICUS CURIAE BRIEF JONATHAN M. JACOBS, BYLAW SUSTAINING MEMBER, IN SUPPORT OF PETITION

NOVEMBER 21, 2026

This amicus brief is in two parts:

First, it will provide background documentation in support of the initial petition and to address some claims made at the October 20, 2026 meeting, by members of the LNC and by comments from members of the Libertarian Party.

Second, it will show the documented attempt to expand the LNC's power, in violation of the Bylaws, and at the expense of every state affiliate choosing to join a region.

Background Documentation

Exhibit 1 is the record of the vote being taken by the LNC to suspend Austin Martin's right to forward emails to the public list. https://docs.google.com/spreadsheets/d/1e-UGlkK3eQbByf0h5daJtSHAdvcl2GDNkTtwGnE1N3c/edit?gid=430541765#gid=430541765

Exhibit 2 are the minutes of October 20, 2026 LNC meeting, pages 25 and 27, purporting to suspend Mr. Martin until a trial and then imagining a penalty of expulsion or suspension from the LNC

Exhibit 3 is the minutes of the "Executive Committee" of October 25, 2026, which also purporting to suspend Mr. Martin until a trial.

Exhibit 4 are excerpts from a thread from the RONR Q and A website regarding the ability of a board to impose discipline without bylaw authorization, referencing RONR, 12th ed., 49:15. The thread was started by the then LNC Secretary, Caryn Ann Harlos, and was written contemporaneously with the consideration of the rules of which Mr. Martin is being tried. One name to note is Shmuel Gerber, one of the authors of RONR. https://robertsrules.forumflash.com/topic/45597-restrictions-on-disclipinary-actions/#comment-271466

Exhibit 5 are excerpts from a thread from the RONR Q and A website regarding the *inability* of an assembly to establish rule for a board not established in the bylaws referencing RONR, 12th ed., 49:5. Note that this thread includes comments from Josh Martin, a parliamentarian who has worked for various Libertarians in past years, and Daniel Honemann, one of the authors of RONR. https://robertsrules.forumflash.com/topic/43147-discipline-expulsion-based-on-bylaws-or-policyguidelines/

[The amicus will note that he participated in both threads and the full threads are linked. Note that the second thread appeared before the formation of Region One in 2024.]

Exhibit 6 is the claim of Jonathan McGee, the chair of the investigatory committee, that Chapter 63 of RONR applies. https://groups.google.com/g/lnc-public/c/AZNJgtvEV6E

Exhibit 7 is the report of the investigatory committee of former Region 1 Representative Miguel Duque, attached to the minutes

This is the documentation, and it is damning.

The Expand the LNC's Power, in Violation of the Bylaws

The Libertarian National Committee is attempting nothing short of a power grab, in violation of the Bylaws. It is an attempt to weaken state affiliates, by denying them of their chosen representatives. This is not a conspiracy theory; it is a chronology of events.

On October 8, 2026, a motion was adopted to limit Mr. Martin ability to forward e-mail for 15 days (Exhibit 1). It was a violation of his rights of membership, that he held in common with all members (RONR, 25:31), but arguably not a major violation. It was, however, the nose of camel in the tent.

Twelve days later the rest of the dromedary, to its tail, has entered the tent. On October 20, the LNC voted to suspend Mr. Martin, while contemplating disciplinary action in excess of anything permitted in the Bylaws (Exhibit 2). Five days after that, on October 25, the Executive Committee, lacking any authority, voted to suspend Mr. Martin (Exhibit 3).

In a little under three weeks, the LNC, in an episode of self-aggrandizement, claimed the authority to suspend a region representative. This is a violation of the Bylaws.

Mr. McGee claimed that Mr. Martin's suspension "… relies on RONR 63:13 (as stated on Page 22 of the SIC Report), which allows for the suspension of rights pending trial of any member of a society once the society has adopted charges against them. (Exhibit 6)." That is false, as RONR 49:15 limits the actions a board may take, absent a bylaw.

Exhibit 4 shows an actual discussion of what a board can, and cannot, do in regard to disciplining members, absent bylaw authority. Mr. Gerber was nice enough to quote 49:15.

What is the authority in the Bylaws? Article 7.5 states that "The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee, … ." Likewise, the LNC "may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, … " under the authority granted by Article 6.7 [Emphasis added in both cases]. No place is the ability to suspend a regional representative granted to the LNC.

RONR provides that "If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited (56:68 4))." This is also expressed in the legal maxim,

expressio unius est exclusio alterius. The Bylaws authorize the suspension of members at large and of officers; that fact prohibits the suspension of regional representatives. The Bylaws, in Article 7.8 expressly provide that only the region may remove and replace regional representatives and alternates.

The SIC Report (p. 6) states "The SIC considers the creation and/or signing of a Regional Agreement an act of affiliate parties constituting the region; and, thereby, it considers the agreement's provision for suspension and removal by the National Committee legitimate." However, the Region cannot give consent in advance, except by a bylaw.

RONR requires that, to be effective, certain rules, must be placed in the bylaws. In this case, RONR 49:5 states that a board, like the LNC, only has the authority delegated to it in the bylaws or "by vote of the society's assembly referring individual matters to it." Region 1 is not the assembly, the convention is. Further, there is no "individual matter" referred to the LNC. Creating a rule, that is invalid, is not an individual matter. The majority of the Region 1 chairs have already said that they do not want Mr. Martin removed.

The amicus will be the first to admit that RONR does not strongly emphasize 49:5 and it may be missed. That prompted some questions from him on the RONR (Exhibit 5). We can see the answers of Josh Martin (no known relation to Austin Martin) and of Daniel Honemann. Mr. Honemann was nice enough quote and bold the section.

During the October LNC meeting, Ms. Harlos claimed to be the author of the clause in the Region 1 Agreement. Apparently, she missed the reference on the RONR message board and did not realize that rules directing some action to a board needed to be in the bylaws. The amicus will again note that RONR does not emphasize this rule relating to referring matters to boards well. However, the concept is very well known in RONR (see 2:15 n5) and exists in many non-Robert parliamentary authorities[1].

There is also a problem with the "Executive Committee" composition. RONR also requires such a committee to be expressly authorized in the bylaws (49:13). No action initiated by this supposed committee would be valid, without approval from the greater LNC.

Finally, we can take a look at custom and precedent, because this is not the first time there has been conflict with a regional representative [Exhibit 7]. In August of 2023 the was the Duque situation. We can look at what was *not* contemplated by that LNC, which was, arguably, more unified than the current one. No suspension. Had Mr. Duque remained, there would have been no suspension of his ability to post emails or to participate in meetings. There was a question about his access to confidential materials, but that could have been handled under the rules, without a suspension.

Now, look at the effect of the LNC actions. It is to tell state affiliates that they may not come together in free association and choose an eligible person to represent them. It is the LNC

saying in effect, “We get veto power over who you send.” It is an attempt, not only to illegitimately curtail the rights of Mr. Martin, but of those people he represents.

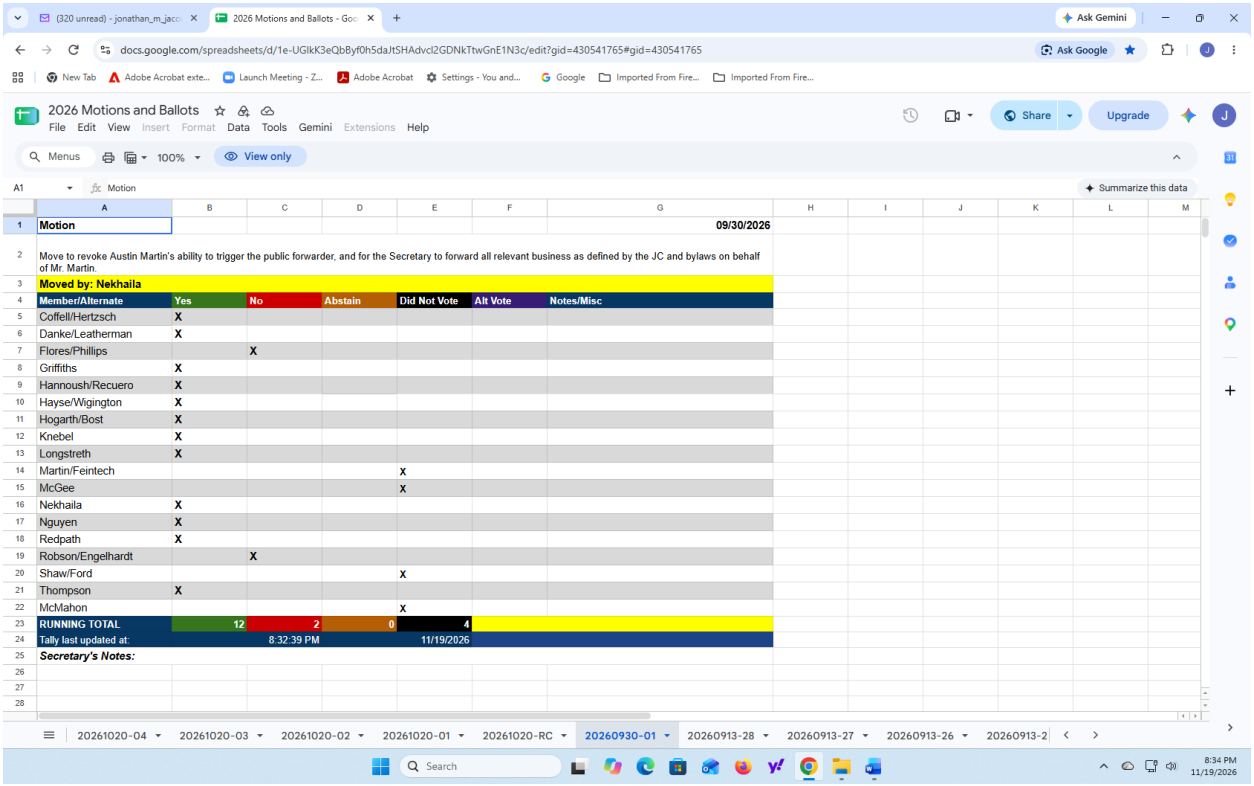
Respectfully submitted,

Jonathan M. Jacobs

End note

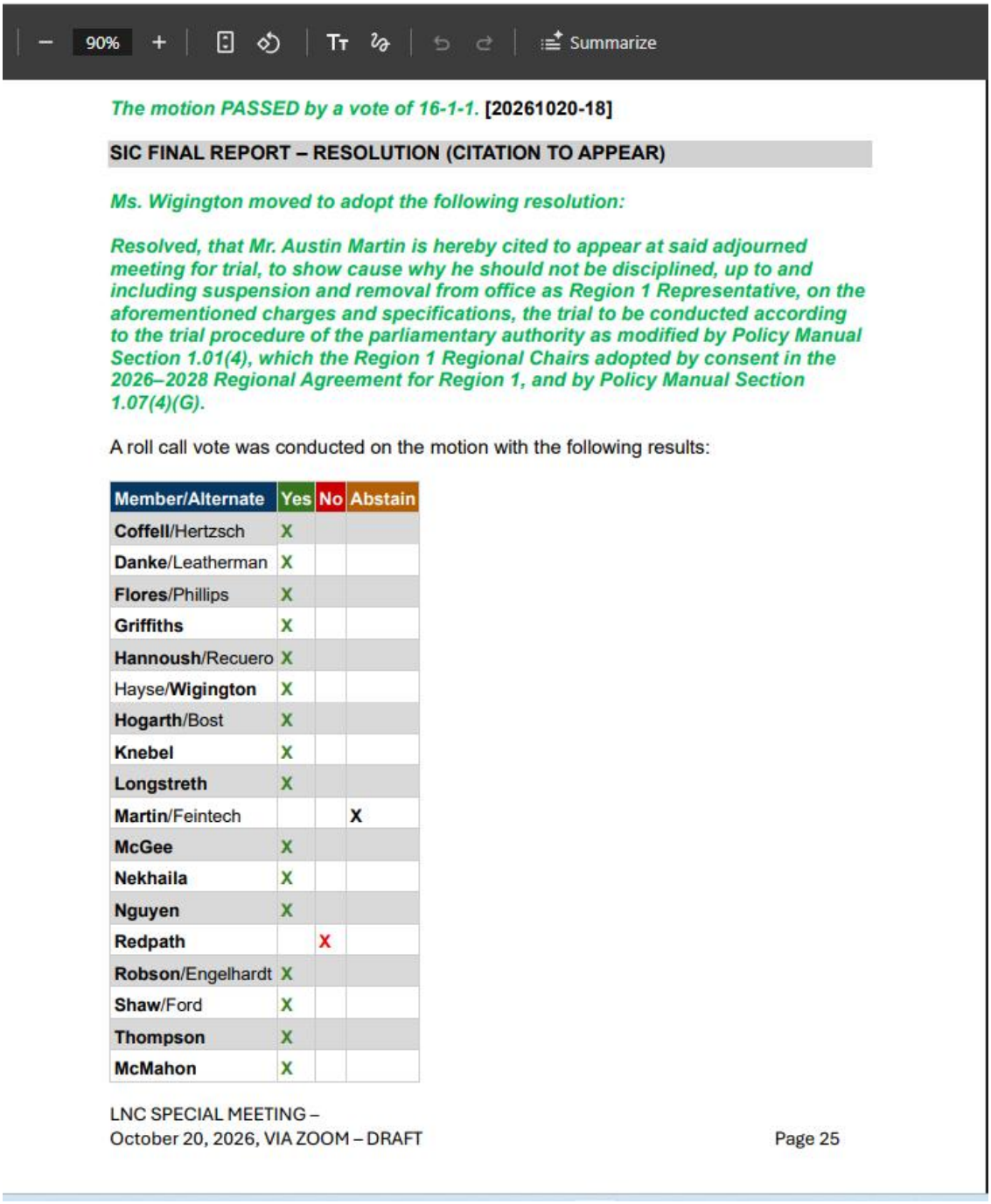
[1] For example of this, see “Parliamentary Authorities’ Rule Shift Function,” *Parliamentary Journal*, January 2005, pp. 3-11. The footnote in RONR that was cited was first added in the 11th edition (2011).

Exhibit 1



2026 Motions and Ballots

	A	B	C	D	E	F	G
1	**Motion**						09/30/2026
2	Move to revoke Austin Martin's ability to trigger the public forwarder, and for the Secretary to forward all relevant business as defined by the JC and bylaws on behalf of Mr. Martin.						
3	**Moved by: Nekhaila**						
4	**Member/Alternate**	**Yes**	**No**	**Abstain**	**Did Not Vote**	**Alt Vote**	**Notes/Misc**
5	Coffell/Hertzsch	X					
6	Danke/Leatherman	X					
7	Flores/Phillips		X				
8	Griffiths	X					
9	Hannoush/Recuero	X					
10	Hayse/Wigington	X					
11	Hogarth/Bost	X					
12	Knebel	X					
13	Longstreth	X					
14	Martin/Feintech				X		
15	McGee				X		
16	Nekhaila	X					
17	Nguyen	X					
18	Redpath	X					
19	Robson/Engelhardt		X				
20	Shaw/Ford				X		
21	Thompson	X					
22	McMahon				X		
23	**RUNNING TOTAL**	12	2	0	4		
24	Tally last updated at:		8:32:39 PM		11/19/2026		
25	***Secretary's Notes:***						



The motion PASSED by a vote of 16-1-1. **[20261020-18]**

SIC FINAL REPORT – RESOLUTION (CITATION TO APPEAR)

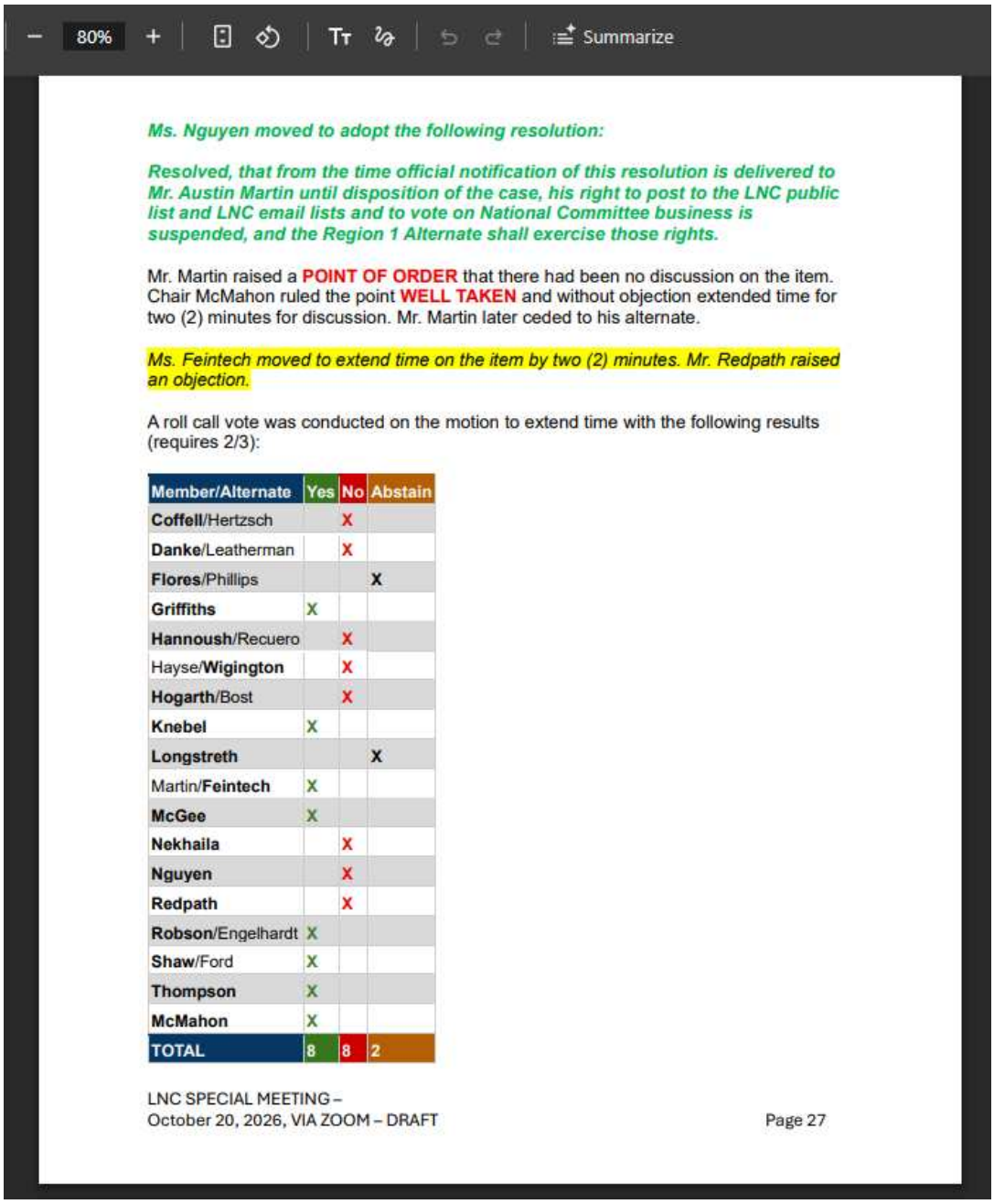
Ms. Wigington moved to adopt the following resolution:

Resolved, that Mr. Austin Martin is hereby cited to appear at said adjourned meeting for trial, to show cause why he should not be disciplined, up to and including suspension and removal from office as Region 1 Representative, on the aforementioned charges and specifications, the trial to be conducted according to the trial procedure of the parliamentary authority as modified by Policy Manual Section 1.01(4), which the Region 1 Regional Chairs adopted by consent in the 2026–2028 Regional Agreement for Region 1, and by Policy Manual Section 1.07(4)(G).

A roll call vote was conducted on the motion with the following results:

Member/Alternate	Yes	No	Abstain
Coffell/Hertzsch	X		
Danke/Leatherman	X		
Flores/Phillips	X		
Griffiths	X		
Hannoush/Recuero	X		
Hayse/**Wigington**	X		
Hogarth/Bost	X		
Knebel	X		
Longstreth	X		
Martin/Feintech			X
McGee	X		
Nekhaila	X		
Nguyen	X		
Redpath		X	
Robson/Engelhardt	X		
Shaw/Ford	X		
Thompson	X		
McMahon	X		

LNC SPECIAL MEETING –
October 20, 2026, VIA ZOOM – DRAFT Page 25



Ms. Nguyen moved to adopt the following resolution:

Resolved, that from the time official notification of this resolution is delivered to Mr. Austin Martin until disposition of the case, his right to post to the LNC public list and LNC email lists and to vote on National Committee business is suspended, and the Region 1 Alternate shall exercise those rights.

Mr. Martin raised a **POINT OF ORDER** that there had been no discussion on the item. Chair McMahon ruled the point **WELL TAKEN** and without objection extended time for two (2) minutes for discussion. Mr. Martin later ceded to his alternate.

Ms. Feintech moved to extend time on the item by two (2) minutes. Mr. Redpath raised an objection.

A roll call vote was conducted on the motion to extend time with the following results (requires 2/3):

Member/Alternate	Yes	No	Abstain
Coffell/Hertzsch		X	
Danke/Leatherman		X	
Flores/Phillips			X
Griffiths	X		
Hannoush/Recuero		X	
Hayse/**Wigington**		X	
Hogarth/Bost		X	
Knebel	X		
Longstreth			X
Martin/**Feintech**	X		
McGee	X		
Nekhaila		X	
Nguyen		X	
Redpath		X	
Robson/Engelhardt	X		
Shaw/Ford	X		
Thompson	X		
McMahon	X		
TOTAL	8	8	2

LNC SPECIAL MEETING –
October 20, 2026, VIA ZOOM – DRAFT

Page 27

NEW BUSINESS WITH PREVIOUS NOTICE

RESOLUTION (SUSPENSION PENDING TRIAL)

Secretary McGee moved the following:

Resolved, that from the passage of this resolution until disposition of the case, all of Mr. Austin Martin's rights as an LNC member (except as they relate to the trial) are suspended pending disposition of the case.

A roll call vote was conducted on the motion with the following results:

Member	Yes	No	Abstain
Flores	X		
Griffiths	X		
Knebel	X		
Longstreth	X		
McGee	X		
Nekhaila	X		
Redpath	X		
McMahon	X		
TOTAL	**8**	**0**	**0**

The motion PASSED by a vote of 8-0-0. **[20261025-01EC]**

ADJOURNMENT

WITHOUT OBJECTION, the Executive Committee adjourned at 8:07 p.m. ET.

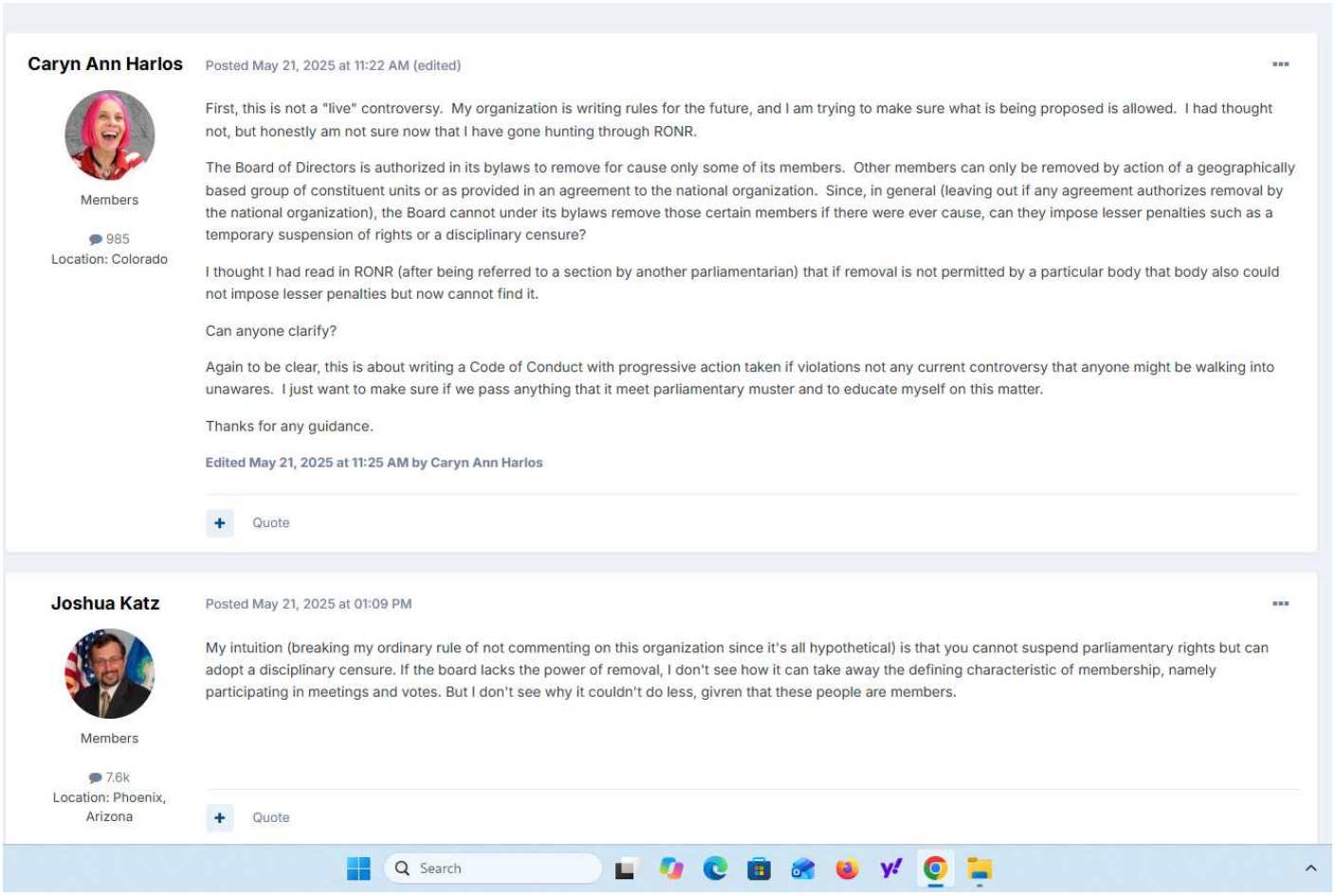
TABLE OF NUMBERED BALLOTS

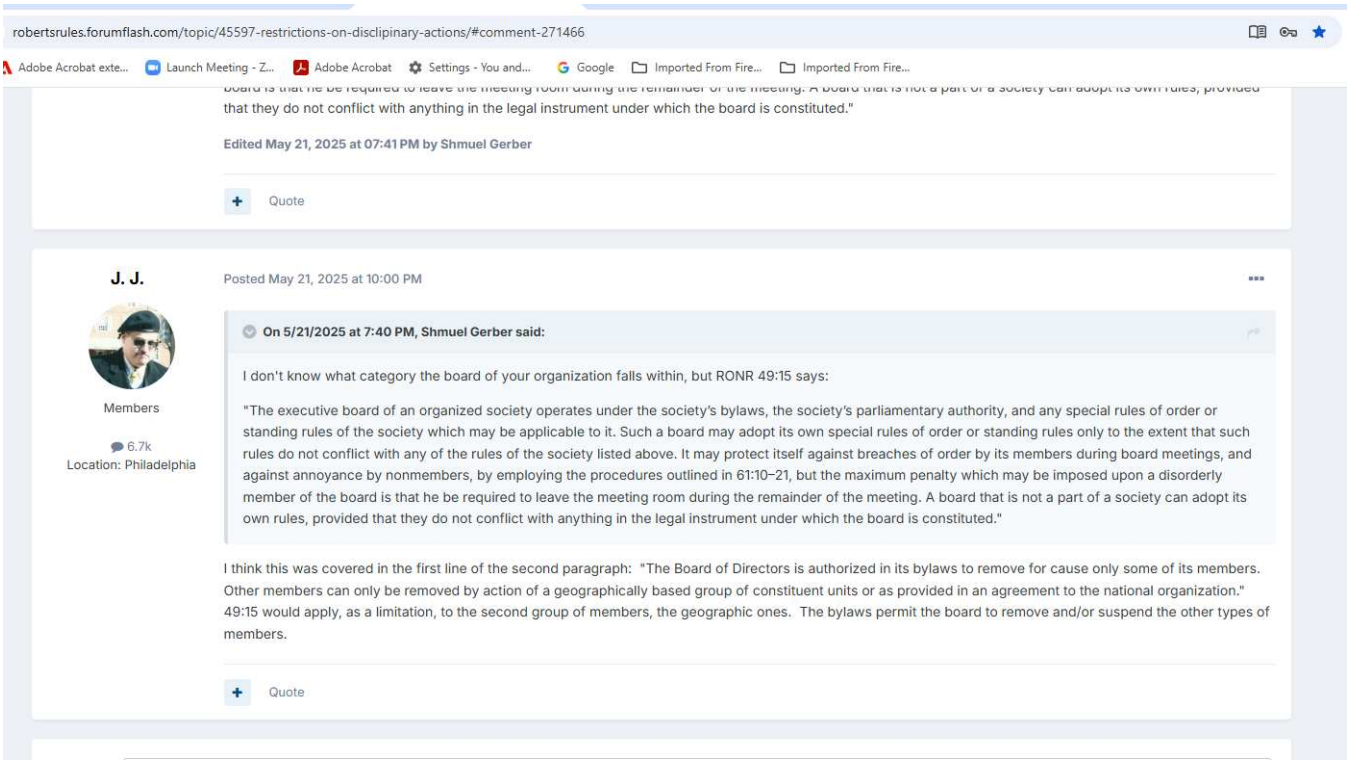
ID#	Ballot	Result
20260809-01EC	Resolution (Suspension Pending Trial)	**PASSED**

Respectfully submitted,

Jonathan McGee

Exhibit 4


Caryn Ann Harlos
Posted May 21, 2025 at 11:22 AM (edited)
Members
985
Location: Colorado
First, this is not a "live" controversy. My organization is writing rules for the future, and I am trying to make sure what is being proposed is allowed. I had thought not, but honestly am not sure now that I have gone hunting through RONR.
The Board of Directors is authorized in its bylaws to remove for cause only some of its members. Other members can only be removed by action of a geographically based group of constituent units or as provided in an agreement to the national organization. Since, in general (leaving out if any agreement authorizes removal by the national organization), the Board cannot under its bylaws remove those certain members if there were ever cause, can they impose lesser penalties such as a temporary suspension of rights or a disciplinary censure?
I thought I had read in RONR (after being referred to a section by another parliamentarian) that if removal is not permitted by a particular body that body also could not impose lesser penalties but now cannot find it.
Can anyone clarify?
Again to be clear, this is about writing a Code of Conduct with progressive action taken if violations not any current controversy that anyone might be walking into unawares. I just want to make sure if we pass anything that it meet parliamentary muster and to educate myself on this matter.
Thanks for any guidance.
Edited May 21, 2025 at 11:25 AM by Caryn Ann Harlos
Quote
Joshua Katz
Posted May 21, 2025 at 01:09 PM
Members
7.6k
Location: Phoenix, Arizona
My intuition (breaking my ordinary rule of not commenting on this organization since it's all hypothetical) is that you cannot suspend parliamentary rights but can adopt a disciplinary censure. If the board lacks the power of removal, I don't see how it can take away the defining characteristic of membership, namely participating in meetings and votes. But I don't see why it couldn't do less, givren that these people are members.
Quote
Search


robertsrules.forumflash.com/topic/45597-restrictions-on-disciplinary-actions/#comment-271466
Adobe Acrobat exte...
Launch Meeting - Z...
Adobe Acrobat
Settings - You and...
Google
Imported From Fire...
Imported From Fire...
that they do not conflict with anything in the legal instrument under which the board is constituted."
Edited May 21, 2025 at 07:41 PM by Shmuel Gerber
Quote
J. J.
Posted May 21, 2025 at 10:00 PM
Members
6.7k
Location: Philadelphia
On 5/21/2025 at 7:40 PM, Shmuel Gerber said:
I don't know what category the board of your organization falls within, but RONR 49:15 says:
"The executive board of an organized society operates under the society's bylaws, the society's parliamentary authority, and any special rules of order or standing rules of the society which may be applicable to it. Such a board may adopt its own special rules of order or standing rules only to the extent that such rules do not conflict with any of the rules of the society listed above. It may protect itself against breaches of order by its members during board meetings, and against annoyance by nonmembers, by employing the procedures outlined in 61:10–21, but the maximum penalty which may be imposed upon a disorderly member of the board is that he be required to leave the meeting room during the remainder of the meeting. A board that is not a part of a society can adopt its own rules, provided that they do not conflict with anything in the legal instrument under which the board is constituted."
I think this was covered in the first line of the second paragraph: "The Board of Directors is authorized in its bylaws to remove for cause only some of its members. Other members can only be removed by action of a geographically based group of constituent units or as provided in an agreement to the national organization." 49:15 would apply, as a limitation, to the second group of members, the geographic ones. The bylaws permit the board to remove and/or suspend the other types of members.
Quote

Josh Martin



Members

20.9k
Location: Minneapolis, MN

Posted January 27, 2024 at 08:50 AM (edited)

> **On 1/26/2024 at 10:55 PM, Guest Hillary Kasarjian said:**

No, I don't think so. I think the organization would need to adopt this policy in its bylaws, if it wishes to adopt it. (Or at least, the portion of it which includes the statement "that the Board can vote to remove the Officer and/or a General Member". The rest of it seems fine.)

> **On 1/26/2024 at 10:55 PM, Guest Hillary Kasarjian said:**
>
> Does the policy govern in this case? It seems the policy does not further clarify a Bylaw since no bylaw exists regarding discipline. Instead, the bylaws specifically say Roberts Rule are to be followed and Roberts rules says RONR are to be followed if the Bylaws don't otherwise provide guidance. RONR doesn't say Policy/Guidelines; They say Bylaws.

As a *general matter*, an organization may indeed adopt rules outside of its bylaws superseding Robert's Rules of Order. The book itself says so, and the recommended language (which your society may wish to adopt) for adopting a parliamentary authority in the bylaws says so as well. RONR does not refer to such rules as "Policy/Guidelines," but instead refers to them as "special rules of order," although it is not unusual for an organization to call them something else. (There are also "standing rules," which govern administrative matters, and therefore, such rules do not conflict with RONR.)

In this *particular* instance, however, I do not think a special rule of order is sufficient to adopt the rule in question. Only a rule in the bylaws would suffice to adopt such a rule.

Unless and until the organization adopts its own rules in its bylaws governing disciplinary procedures, see Sections 62-63 of RONR for the rules on this subject.

> **On 1/27/2024 at 12:17 AM, J. J. said:**
>
> It is completely possible to adopt a rule of order covering disciplinary action (63:32 fn. 10). It is not clear that this is what your group did.

We are told the rule provides "that the Board can vote to remove the Officer and/or a General Member" and that "no bylaw exists regarding discipline." So far as RONR is concerned, authority to remove a general member rests with the society, not the board. If the membership elects the officers, then authority to remove officers rests with the general membership as well. I do not think a special rule of order would suffice to delegate this authority to the board - only a rule in the bylaws would be sufficient.

Edited January 27, 2024 at 08:52 AM by Josh Martin

+ Quote

Dan Honemann

Posted January 31, 2024 at 10:34 AM



Moderators

Staff

12.7k

Location: Timonium, Maryland

> **On 1/31/2024 at 9:15 AM, J. J. said:**
>
> How is that required in light of the 63:32 fn 10.

The footnote to which you refer relates to the adoption of special rules of order, and has nothing whatsoever to do with adoption of rules conferring power or authority upon a subordinate board. We are here dealing with a rule purporting to confer powers upon a board, and this sort of rule is not a rule of order.

> **On 1/31/2024 at 9:15 AM, J. J. said:**
>
> Let me expand. I agree that RONR can require certain things to be authorized in the bylaws (e.g. proxy voting). Where is this in regard to disciplinary action in RONR?

The relevant rule is found in 49:5, which reads as follows (emphasis supplied):

"A society has no executive board, nor can its officers act as a board, except as the bylaws may provide; and when so established, **the board has only such power as is delegated to it by the bylaws or by vote of the society's assembly referring individual matters to it**."

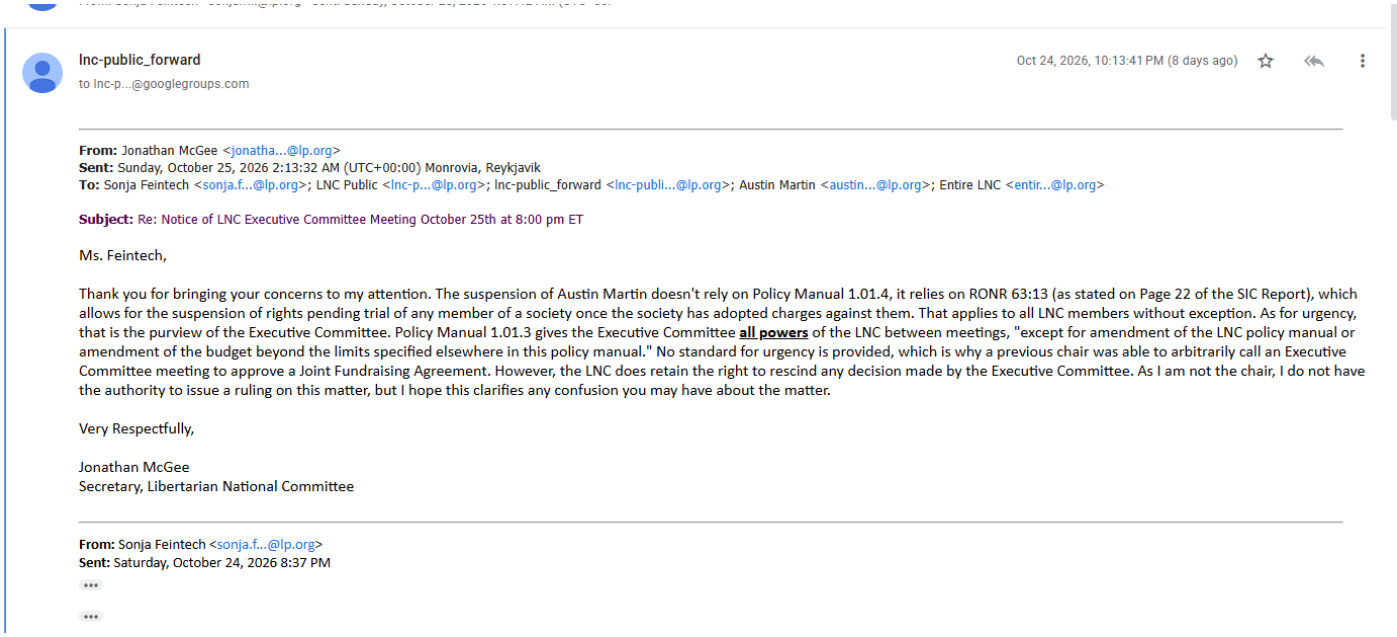
We are not here dealing with a vote of this society's assembly referring an individual matter to its board. We are dealing here with a rule adopted, we are told, several years ago (presumably by the general membership), purporting to confer a continuing power upon the board to remove officers (presumably elected by the general membership) and expel members of the organization. As stated in 49:5, such a power can only be conferred upon the board by a bylaw provision.

Quote

J. J.

Posted January 31, 2024 at 11:02 AM

Exhibit 6



lnc-public_forward
to lnc-p...@googlegroups.com

Oct 24, 2026, 10:13:41 PM (8 days ago)

From: Jonathan McGee <jonatha...@lp.org>
Sent: Sunday, October 25, 2026 2:13:32 AM (UTC+00:00) Monrovia, Reykjavik
To: Sonja Feintech <sonja.f...@lp.org>; LNC Public <lnc-p...@lp.org>; lnc-public_forward <lnc-publi...@lp.org>; Austin Martin <austin...@lp.org>; Entire LNC <entir...@lp.org>

Subject: Re: Notice of LNC Executive Committee Meeting October 25th at 8:00 pm ET

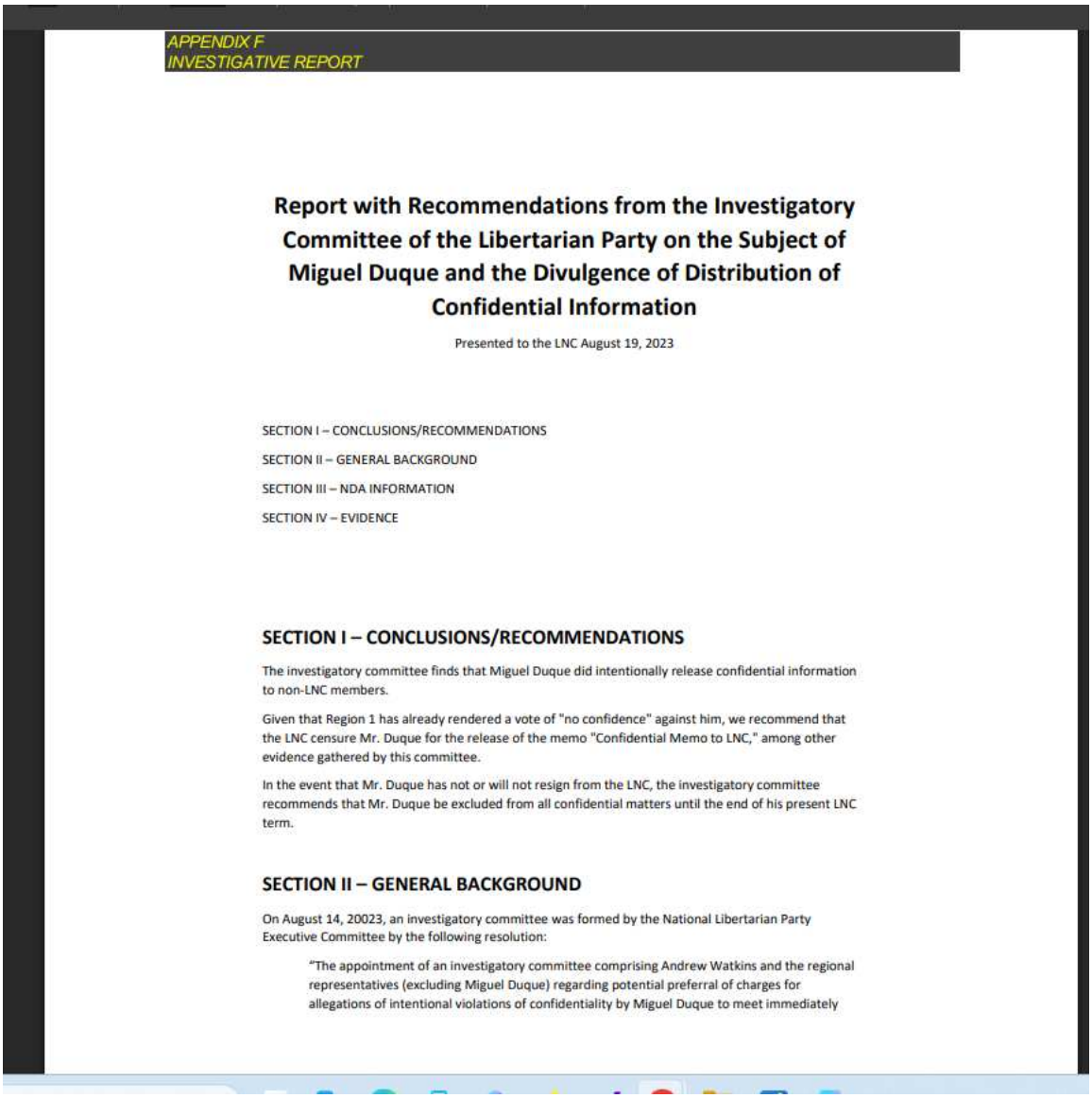
Ms. Feintech,

Thank you for bringing your concerns to my attention. The suspension of Austin Martin doesn't rely on Policy Manual 1.01.4, it relies on RONR 63:13 (as stated on Page 22 of the SIC Report), which allows for the suspension of rights pending trial of any member of a society once the society has adopted charges against them. That applies to all LNC members without exception. As for urgency, that is the purview of the Executive Committee. Policy Manual 1.01.3 gives the Executive Committee **all powers** of the LNC between meetings, "except for amendment of the LNC policy manual or amendment of the budget beyond the limits specified elsewhere in this policy manual." No standard for urgency is provided, which is why a previous chair was able to arbitrarily call an Executive Committee meeting to approve a Joint Fundraising Agreement. However, the LNC does retain the right to rescind any decision made by the Executive Committee. As I am not the chair, I do not have the authority to issue a ruling on this matter, but I hope this clarifies any confusion you may have about the matter.

Very Respectfully,

Jonathan McGee
Secretary, Libertarian National Committee

From: Sonja Feintech <sonja.f...@lp.org>
Sent: Saturday, October 24, 2026 8:37 PM



APPENDIX F
INVESTIGATIVE REPORT

Report with Recommendations from the Investigatory Committee of the Libertarian Party on the Subject of Miguel Duque and the Divulgence of Distribution of Confidential Information

Presented to the LNC August 19, 2023

SECTION I – CONCLUSIONS/RECOMMENDATIONS

SECTION II – GENERAL BACKGROUND

SECTION III – NDA INFORMATION

SECTION IV – EVIDENCE

SECTION I – CONCLUSIONS/RECOMMENDATIONS

The investigatory committee finds that Miguel Duque did intentionally release confidential information to non-LNC members.

Given that Region 1 has already rendered a vote of "no confidence" against him, we recommend that the LNC censure Mr. Duque for the release of the memo "Confidential Memo to LNC," among other evidence gathered by this committee.

In the event that Mr. Duque has not or will not resign from the LNC, the investigatory committee recommends that Mr. Duque be excluded from all confidential matters until the end of his present LNC term.

SECTION II – GENERAL BACKGROUND

On August 14, 20023, an investigatory committee was formed by the National Libertarian Party Executive Committee by the following resolution:

> "The appointment of an investigatory committee comprising Andrew Watkins and the regional representatives (excluding Miguel Duque) regarding potential preferral of charges for allegations of intentional violations of confidentiality by Miguel Duque to meet immediately