LIBERTARIAN PARTY — JUDICIAL COMMITTEE

Filing cover & attestation

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

FILED BY

George Phillies is a lifetime member of the Party.

POSITION

Filed in support of the LNC Respondent

ATTESTATION

George Phillies attests that they are a lifetime member of the Party 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. George Phillies certified that this amicus brief is accurate 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.

Amicus from National Party Life Member George Phillies

Procedure Must Not Overwhelm Substance!

I attended my first National Convention in1998. I served for close to a decade as Chair or Treasurer of our Massachusetts state affiliate. I submit that the appeal of the Martin suspensions and comments thereon, while doubtless well-intended and well-constructed, have, in the vernacular, 'lost the plot'.

Our national party was created to fulfill certain substantive purposes. I quote our Bylaws:

ARTICLE 2: PURPOSES The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by:
1. functioning as a libertarian political entity separate and distinct from all other political parties or movements;
2. electing Libertarians to public office to move public policy in a libertarian direction;
3. chartering affiliate parties throughout the United States and promoting their growth and activities;
4. nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and
5. entering into public information activities.

The Bylaws also provide

ARTICLE 7: NATIONAL COMMITTEE 1. The National Committee shall have control and management of all the affairs, properties and funds of the Party consistent with these bylaws. The Libertarian National Committee shall establish and oversee an organizational structure to implement the purposes of the Party as 6 stated in Article 2...

Articles 2 and 7 are substantive Bylaws.

In order to carry out these purposes, the Party adopted through various means an extensive set of procedural rules, some in the Bylaws and others in the Policy Manual or in Roberts. However, procedural rules are subservient to the Party's purposes. When procedural rules function to prevent the Party, in particular its National Committee, from functioning, the procedural rules contradict the substantive parts of the Bylaws and are invalid.

In the case at hand, as is apparent from the recordings of the LNC's meetings of the last few months, Mr. Martin has regularly acted to prevent the LNC from overseeing the party's operations. No normal board of directors would tolerate such a thing, and the LNC should not be required to, either, no matter whether or not the authors of our bylaws imagined the current situation.

I therefore propose that the appeal is invalid:

First, the appeal is invalid because it contradicts Articles 2 and 7 of the Bylaws, because the suspensions were needed in order that the LNC could function. Articles 2 and 7 override considerations from the procedural parts of the Bylaws and other places. I therefore ask that the Judicial Committee reject the appeal.

Furthermore, the Appeal is invalid because under the Bylaws Mr. Martin through his own actions has ceased to be a member of the LNC. In order to be an LNC member, you must be a Sustaining Member of the Party. To be a Sustaining Member you must adhere to our oath to "...oppose the initiation of force to achieve political or social goals." Mr. Martin has constructively revoked his adherance to that oath, namely he has used force – shouting down LNC Members trying to speak – to disrupt the LNC's operations. I ask that the Jduicial Committee find that the implicit claim of the appeal, namely that Mr. Martin is a member of the LNC. is incorrect.