

Libertarian Party Judicial Committee
In re: Request to Void Joint Fundraising Committee Due to Drastically Changed
Circumstances
October 13, 2024

Appellant: Tony D’Orazio

Respondents: 12 members and alternates of the Libertarian National Committee (LNC)

Filing

A petition for appeal was filed with the Judicial Committee by Tony D’Orazio on Sept. 11, 2024, with the caption “TONY D’ORAZIO, ON BEHALF OF APPELLANTS VERSUS LIBERTARIAN NATIONAL COMMITTEE; In re: Joint Fundraising Committee Request for Voidance Due to Drastically Changed Circumstances in Standing with Current Bylaws or in the Alternative, Rescission of Prior Decision”.

Ruling:

Voting to affirm the JFC: Kinsella, Latham, Krawchuk, Tarnoff, Stratton

Voting to negate the JFC: Seebeck, Montoni

With a vote total of 5-2, the Judicial Committee has affirmed the JFC.

Effect:

The JFC between the LNC and the RFK campaign remains in effect.

Opinions:

Mr. Tarnoff delivered the majority opinion, joined by Mr. Kinsella, Mr. Latham, Mr. Krawchuk, and Mr. Stratton. Mr. Seebeck delivered the dissenting opinion, joined by Mr. Montoni.

Majority Opinion by Mr. Tarnoff.

Appellant Anthony D’Orazio hereby brings a second appeal of the decision of Respondent Libertarian National Committee (LNC) to authorize a Joint Fundraising Agreement (JFA) between the Libertarian Party (LP) and the Robert F. Kennedy, Jr. presidential campaign whereby the Kennedy campaign would gain the ability to collect more money from its donors than campaign finance law would otherwise allow, while the LP would be entitled to a portion of the funds collected. This Committee issued an opinion in favor of Respondent with regard to that decision on August 9, 2024. Appellant brings this second appeal on the basis of “drastically changed circumstances,” such circumstances being that Mr. Kennedy has since announced termination of his campaign for President and instead endorsed Donald Trump for that office, a candidate whose political ideology Appellant contends is even more repugnant to that of libertarianism than is that of Mr. Kennedy. Appellant also puts forward additional allegations not considered in the first appeal.

Statement With Regard to Judicial Purpose

Appellant contends that it is the proper role of the Libertarian Judicial Committee (LJC) to supplant the judgment of the LNC with its own based on "common sense" and "Libertarian values and objectives." We disagree.

Libertarian Party Bylaws Article 7.12 states, in pertinent part:

[T]he Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws.

Appellant would have us ignore this clear mandate and act based on our own personal feelings, or that of the loudest voices, ignoring the fact that the LJC owes its existence to and derives its authority from no source other than the Bylaws, which both empower it and limit its jurisdiction. The LJC, perhaps more than any other entity within the Party, must be a bastion of integrity if we are to survive as a philosophically based organization. We absolutely reject the notion that the LJC should reject or rewrite the Bylaws to steer the Party toward what we personally believe to be better policy than that crafted by the LNC.

Changed Circumstances

Appellants have failed to show how the alleged “drastically changed circumstances” should materially affect the analysis of this Committee’s previous decision. All reasoning therein still applies with regard to the alleged changed circumstances. The JFA still does

not endorse Kennedy, the Kennedy campaign, or Donald Trump, nor does it prevent the LP from supporting its nominated candidate, Chase Oliver. The way the JFA arrangement is described by the Kennedy campaign is outside of the control of the LP and does not imply our endorsement or support. The Libertarian Party is still separate and distinct from all other political parties, movements, and campaigns, including those of Kennedy and Trump.

New Allegations

Appellant raises two new allegations in his brief which were not raised in the first appeal. Appellant alleges that the JFA constitutes an endorsement of Donald Trump in violation of Bylaws Article 14.1, and that the JFA moves the Party in a counter-libertarian direction in violation of Bylaws Article 2.2. However, no facts have been put forward, neither in the brief nor the hearing, to support either of these allegations.

Appellant also raised two new allegations in the hearing that did not appear in his brief. The first is that the transfers of funds under the JFA to the Kennedy campaign violate Bylaws Article 9.1. To support this allegation, Appellant alleges that all JFA funds pass into the LP bank account, checks are then written from the LP account to the Kennedy campaign, and that disbursements of this type are unauthorized per 9.1 unless approved in the Party budget, which was not done. Article 9.1 reads:

The fiscal term of the Party shall begin on January 1 of each year. From January 1 until the National Committee has approved a budget, the Treasurer may authorize expenditures for any item incorporated in the previous year's budget as long as the level of expenditure is consistent with that budget.

While this section may constrain the Treasurer, it does not appear in any way to affect the LNC. Therefore, the process by which funds are transferred under the JFA, even if as characterized by Appellant, is not relevant with regard to this section.

The second new allegation raised in the hearing is that the LNC violated various provisions of subsections (1) and (2) of section 1.13 of the LNC Policy Manual.¹ Violation of the Policy Manual is tantamount to a violation of the Bylaws,² for which the LJC is empowered to overturn a decision of the LNC. The Policy Manual is a set of special rules of order and

¹ See Appendix for Section 1.13 in full.

² Bylaws Article 7.1 states, "The National Committee shall adopt rules of procedure for the conduct of its meetings and the carrying out of its duties and responsibilities."

standing rules, to which the LNC is required to adhere. An organization must follow its own duly enacted rules, and failure to do so would constitute a violation of its charter.³

Subsection (1) reads, “The Party may financially support the candidacies of persons who meet the following requirements,” followed by a list of criteria the candidate must meet to be eligible for the Party’s financial support. For this subsection to be violated, the LNC must financially support a candidate who does not meet the criteria which follow. Appellant alleges that this subsection is violated because the Mr. Kennedy does not meet the criteria. However, the LP’s participation in the JFA does not constitute “financial support” of the Kennedy campaign, any more than it does the Kennedy campaign’s financial support of the LP. “Financial support” in this context refers to monetary contribution or donation to a candidate, as opposed to a mutually beneficial financial arrangement between two independent entities as exists under the JFA.

Subsection (2) begins, "Party resources shall not be used to provide information or services for any candidate for public office prior to the nomination unless," followed by various criteria the candidate must meet to receive such “information or services.” The intent of this subsection is to restrict the LNC with regard to the treatment of candidates for the Libertarian nomination, prior to such nomination. It is questionable whether it has any effect on candidates who are not seeking the LP nomination, but even if it does, by its own terms, it ceases to have any effect on anything once the Libertarian Party nominations have concluded.

As the changed circumstances since the previous appeal do not materially affect the reasoning therein, and as none of Appellant’s new allegations have merit, the decision by the LNC to enter into the Joint Fundraising Agreement in question is again upheld.

³ However, special rules of order and standing rules can properly be suspended or overridden, so the specifics of the votes and procedures employed would necessarily be at issue in determining whether the Policy Manual provisions in question were actually violated, even if the facts do transgress those provisions as worded.

Appendix

Libertarian National Committee - Policy Manual SPECIAL RULES OF ORDER AND STANDING RULES Section 1.13 CANDIDATES AND ELECTED OFFICIALS

1) Qualifications for Party Support

The Party may financially support the candidacies of persons who meet the following requirements:

1. The requested contribution from the LNC is legal;
2. The candidate is a sustaining member of the national LP and a member in good standing of the state affiliate;
3. The candidate is legally qualified to hold the office and if partisan party registration is available, must be registered as Libertarian, and not registered with any other Party;
4. The candidate must have a professional quality website and email address under a campaign-related domain name;
5. The candidate has professional quality photos, especially a headshot and at least a one- minute video with audio of the candidate speaking;
6. The candidate must have a dedicated campaign manager and a dedicated campaign treasurer;
7. The candidate must use the word "Libertarian" in their campaign in partisan elections, if allowed by law;
8. The candidate must have already raised more contributions than requested of the LNC
9. The candidate has a written campaign plan with justifiable and quantifiable expected results (votes, recruits, money, media, etc.); and
10. The candidate will follow the national Party platform or clearly distinguish where their views differ.

2) Limitations on Party Support for Public Office

Party resources shall not be used to provide information or services for any candidate for public office prior to the nomination unless:

- Such information or services are available and announced on an equal basis to all Libertarians who have declared they are seeking that nomination;
- Such information or services are generally available and announced to all Party members; or
- The service or candidate has been approved by the state chair.

3) Liability for Political Campaigns

The LNC will not be responsible for the debts incurred by future presidential campaigns or any other campaign. However, the LNC may vote to make monetary and non-monetary contributions to such campaigns under the limits prescribed by law. If such contributions are made, they shall be made only after such candidate or campaign has agreed to meet the reasonable financial and budgetary controls set by the LNC. No candidate or staff member of a campaign is permitted to place orders, make purchases, or sign contracts in any manner that would lead a person to assume that the LNC is liable for the debt.

Dissenting Opinion by Mr. Seebeck.

0. In the case of D’Orazio v. LNC:

Standing

1. Petitioners have provided 146 unconfirmed signatures of credentialed delegates. 140 of them are confirmed as credentialed delegates. 10% of 937 credentialed delegates is 94. Signature threshold has been met in accordance with Article 7, Section 12 of the national Bylaws. Standing has been established. This group is collectively known as the “Petitioners.”

Repetition of Appeal

2. The question has been raised regarding this appeal as being dilatory. It is not. A question that was previously considered “may become a substantially different question through a significant change in the wording or *because of a difference in the time or circumstances in which it is proposed*, and such a motion may thus be in order when it could not otherwise be renewed.” (RONR 38:1, emphasis added) That question, be it this appeal or a motion to rescind the JFC, is in order because there definitely has been a difference in the time or circumstances from which it was originally proposed, as explained below.

Jurisdiction

3. Petitioners have requested the following reliefs (here placed in a list for clarity):
1. Declare the LNC/EC approval of the Joint Fundraising Committee null and void.
 2. Order the immediate cessation of all JFC activities involving the national Libertarian Party.
 3. Issue a clear directive prohibiting similar arrangements in the future without explicit safeguards ensuring alignment with Libertarian principles and Bylaws compliance.

As before in the previous appeal regarding this LNC decision, it is necessary to examine if the Judicial Committee has subject matter jurisdiction to rule on each of these requests.

4. Article 8, Section 2 explicitly lists and limits the jurisdiction of the Judicial Committee to certain matters. The relevant part, subsection d, is “voiding of National Committee decisions,” referencing Article 7, Section 12, which is the member or delegate appeal thresholds.

5. The first requested relief is to declare null and void the decision of the LNC Executive Committee to enter into the JFC with the Kennedy campaign. This clearly falls within the bounds of Article 8, Section 2, subsection d. This will be addressed further below.

6. The second requested relief is to order the cessation of all JFC activities regarding the national Party. It should be noted that the Petitioners do not request cessation of all JFC activities regarding all levels of the Party, including state and local affiliates. This Committee has no authority to order such cessation for state or local affiliates in any event. However, a declaration of the LNC Executive Committee decision to be null and void would automatically carry with it a cessation of JFC activities by the LNC since they could no longer be properly executed. As such, this requested relief is part of the first requested relief.

7. The third requested relief is to enjoin against future similar arrangements without safeguards of alignment with both the Bylaws and libertarian principles. At the current time, this is something that cannot be done in accordance to the Bylaws as Judicial Committee decisions are unfortunately not considered to be precedents or binding for future cases. While they should be considered precedents for consideration, and future Judicial Committees should give at minimum reference and consideration to past decisions, it would require an explicit change to the Bylaws, Article 8 to establish Judicial Committee rulings as binding precedents on the Judicial Committee and the Party. Such a change is recommended for the Bylaws Committee to examine and propose in a prompt manner.

8. In summary, the Judicial Committee is limited in subject matter jurisdiction to the relief request to void the LNC Executive Committee decision to enter into the JFA, including cessation of the JFC activities, and the other requested relief is unobtainable without a Bylaws amendment at Convention.

9. As before, should the vote of the LNC Executive Committee be overturned?

Opinion

10. As was stated in the dissent paragraph 16 before in the prior appeal, the JFC the Robert F. Kennedy Jr 2024 Presidential Campaign, as entered into by the Executive Committee acting for the LNC per LNC Policy (LNC Policy Manual Section 1.01-3), facially violates the national Bylaws of the Libertarian Party and should be considered null and void. Whether or not the motion to enter into the JFA was improper for the Executive Committee or not is immaterial; the violation is the same whether the motion was passed by the Executive

Committee of the full LNC, and the specific body that passed it does not cure it of its Bylaws violation.

11. How the circumstances have changed since the prior appeal do not impact the underlying Bylaws violations.

12. The circumstances surrounding the 2024 Presidential election have indeed drastically changed. In the time since the prior appeal, Mr. Kennedy has suspended his campaign and endorsed Donald Trump, and is actively campaigning for him. This was predictable and not unexpected. As such—even if it had followed the Bylaws—its initial purpose had been fulfilled and the agreement should end as being overcome by events (OBE). It has not ended, nor is it slated to end until February 2025 at the earliest. It instead has been changed by the Kennedy campaign for a different purpose. As shown in the Petitioners' exhibit included in their appeal, Mr. Kennedy has shifted his advertisement of the JFC to now ask for donations to support Mr. Kennedy in his efforts to back Mr. Trump, instead of the previous ask for donations for his own campaign. As such, the purpose of the JFC is no longer what the LNC Executive Committee voted for (putting aside that the actual JFC would not be finalized for several weeks after the vote and the LNC Executive Committee never actually saw the contract, all of which was mentioned in the prior appeal dissent!). Because the scope of the JFC has changed, the purpose of the JFC are changed as well, and the current purpose are not what the LNC Executive Committee voted on. When the terms or purpose of a contract change, it is necessary to vote to ratify the new terms. In the case of the JFC, that has not happened. See below for further discussion on the differentiation between the circumstances of the Kennedy campaign vs. the mechanisms of the JFC.

13. As before, the nature of the JFC itself still violates the Bylaws. That has not changed even as the routing of the funds raised by the JFC on the Kennedy side has. The dissent of the prior appeal, specifically paragraphs 17-35 and 36-50 are still correct, still applicable, and still valid.

14. Petitioners claim that Bylaws Article 2, Section 4 has been violated. Article 2 says:

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.

15. Petitioners claim the violation is that the JFC does not support Party and affiliate candidates for political office. On that point they are correct: no funds from the JFC have gone to support the Oliver campaign and have been instead used to pay LNC bills and meet their budget. Article 2 Section 4 has been violated by the JFC. See also the prior dissent, paragraphs 27 and 28.

16. Petitioners claim that Bylaws Article 14, Section 1 has been violated. Article 14 Section 1 says:

ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

1. Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election.

17. As Chase Oliver has indisputably been nominated at Convention to be the Libertarian candidate for President, and Mike ter Maat has indisputably been nominated to be the Libertarian candidate for Vice President, so no violation here has occurred.

18. It should be noted that the JFC is not an endorsement of Mr. Kennedy, nor by extension of his campaign suspension, of Mr. Trump. However, the JFC does serve to provide both of them material support to first Mr. Kennedys campaign then and Mr. Trump's now, and that is violation of the Bylaws, specifically Article 2 Sections 1 and 4. Neither Mr. Kennedy nor Mr. Trump are the Libertarian nominee for President. They are not on the Libertarian team. They are on Team Statist Elephant. They are the partisan opposition. See paragraph 27 of the prior dissent.

19. In summary, even though the circumstances surrounding Mr. Kennedy have changed, the Bylaws violations remain. The JFC should be voided and the LNC Executive Committee decision overturned.

20. The Respondents should reread paragraphs 37-50 of the prior dissent and take those words to heart, since to this point it appears that they have not.

21. While it is not necessary to address some specific claims of each of the Petitioners, Respondents, and amici, it will be done anyway.

Petitioner's Appeal

22. Petitioner's Appeal correctly states that in the prior case hearing under questioning by the Judicial Committee, the Chair indicated that the action can be undone. According to the Party's parliamentary procedures, outlined in RONR, the correct path to do so is to make a motion to rescind the action. That motion was made and the Chair, contradicting herself, incorrectly ruled it dilatory, relying upon RONR 39:1. However, that ruling neglects an understanding of RONR. The motion to Rescind, like its sibling Amend Something Previously Adopted, cannot be considered dilatory or out of order except under the circumstances described in RONR 35:6, which are as follows:

- a) When it has previously been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to Reconsider (37).
- b) When something has been done, as a result of the vote on the main motion, that is impossible to undo. (The unexecuted part of an order, however, can be rescinded or amended.)
- c) When a resignation has been acted upon, or a person has been elected to or expelled from membership or office, and the person was present or has been officially notified of the action. (The only way to reverse an expulsion is to follow whatever procedure is prescribed by the bylaws for admission or reinstatement. For the case of an election, see 62:16 regarding removal of a person from office.)

23. Circumstance a) does not apply because there has not been any motion to reconsider the vote on the main motion (and a motion to Ratify is not a motion to Reconsider), and the question cannot be reached by calling up a motion to Reconsider, because a motion to Reconsider cannot be applied to the motion for the JFC because the vote on the JFC was an affirmative vote whose provisions have been partly carried out. See RONR 37:9 (2)(c).

24. Circumstance b) does not apply because the unexecuted part of the JFC, from the point of rescission forward to its expiration, can be rescinded or amended, which is what the

motion to rescind was intended to accomplish. The bell cannot be un-rung, but further ringing can be prevented.

25. Circumstance c) does not apply because the motion has nothing to do with any resignations or expulsions.

26. As such, the motion is NOT dilatory, and was perfectly in order.

Jacobs Amicus

27. The amicus of Mr. Jacobs attempts to paint a picture that vote totals make the motion dilatory. However, RONR does not address attempts to “read the room” in determining whether a motion is dilatory or not, because it simply cannot do so—it is beyond RONR’s scope to read minds and moods. Instead, RONR focuses on what it can do, which is to address the circumstances of the motion itself, not the people who would be voting on it. “Reading the room” is suited to determining whether a motion should be made, not whether it is in order or not. Plus, people can always change their minds. As such, Mr. Jacobs’ amicus can be disregarded as inaccurate.

Petitioner’s Appeal (continued)

28. Petitioner also states that a Renewal of the Motion is also in order. This is also technically correct in the broad sense but substantively incorrect in the specifics. Per RONR 38:5(1) motion can be renewed if the circumstances surrounding the original question have changed:

1) A main motion, or a motion for the same amendment to a given motion, cannot be renewed at the same session *unless there is a change in wording or circumstances sufficient to present substantially a new question*, in which case this becomes technically a different motion. (emphasis added)

29. In this case, as mentioned above, the circumstances of the state of the RFK campaign changed moving from active to suspended, and as such how the RFK campaign is using its portions of the JFC.

30. However, the circumstances of the mechanism of the JFC, that is, the actions undertaken in the JFC are unchanged: the Party lends its name and FEC limits to an opposing candidate. What the opposing candidate does with its portion is not the concern

of the Party, and in the absence of the actual wording of the JFC, outside of Party control. How Kennedy spends his campaign donations is not the concern of the Libertarian Party, except for the awareness that they are spent in opposition to the Oliver campaign, and only if the “leaked” agreement dictating that the LNC spend the donations by the Kennedy campaign’s instructions is accurate. As such, even though the circumstances of the Kennedy campaign outside of the JFC have changed, the JFC itself has not, and the motion could not be renewed. This claim cannot be sustained.

31. Petitioner makes the claim that the JFC is an endorsement of Kennedy, and that violates the Bylaws since providing that JFC supports Kennedy and that is an effective endorsement (paraphrasing). However, while all endorsements are support, at least in words, not all support is endorsement. One can support a candidate without endorsing them. That claim cannot be sustained, but the JFC violates the Bylaws for the other reasons stated in the previous dissent.

Respondent’s Response

32. Respondent still claims that the JFC is a separate and distinct entity from the LNC and Kennedy campaigns. However, the JFC itself has still not been made available for review by the LNC, the Judicial Committee, or any Party member, so there is no proof of this assertion. If the JFC is truly a “separate and distinct” entity, then it would have its own officers, its own bank account, and it would be cutting checks from it to the Kennedy campaign and the LNC and state affiliates, not from the LNC to the Kennedy campaign only. If it is truly separate and distinct, then it is provable to the Judicial Committee beyond only the statements of the Respondents. Yet Respondents have provided zero proof of that assertion. In fact, the Petitioner’s response to Respondents contains the alleged “leaked” agreement (which Respondents do not deny is the actual agreement) that explicitly lists the funds as going into TWO LNC bank accounts from the JFC, 90% of the first \$41,300 (\$37,170) into a “new” LNC bank account and the remainder (\$4,130) into the current LNC bank account. A similar arrangement in the JFC with state affiliates has them transferring the first 90% (\$9,000) to the “new” LNC bank account and keeping the remaining \$1,000. Then all of that money in the “new” LNC bank account gets spent on Kennedy at their discretion. See the problem here?

33. The problem here is that the donations under the JFC are made to the LNC to the “new” bank account. Where under Article 9 Section 4 has the LNC designated that account, and who has been appointed to withdraw funds from it? The Respondents provide no answers to those questions and in fact, the “leaked” JFC fails to provide that information as well.

Note that it is a LNC bank account. It is effectively at that point the LNC's money, even if it is earmarked for something. Yet the LNC then as earmarked spends that bank account on someone who is not a Libertarian candidate and in fact has directly opposed and now indirectly opposes the Libertarian candidate. That spending is directed by an outside entity that is NOT any members of the Party nor the LNC, and it is directed to be spent in direct and indirect opposition to the Oliver campaign. That kind of earmarking of donations ***should never have been approved in the first place*** because the earmark itself is for actions that cannot be done as they fall outside of the Party structure and operations as established in Article 7, Section 1, Clause 2, in accordance with Article 2, specifically Sections 1 (as was explained in the previous dissent), 2, and 4.

34. Respondents request the Judicial Committee decline to hear further appeals regarding the JFC. The current Judicial Committee Rules preclude that request, so it is denied. The Judicial Committee has rejected one appeal multiple times for it not being in the proper form of an appeal (LPWI), but once it was in proper form, it was taken to hearing. The Judicial Committee also rejected another appeal for lack of jurisdiction (from a subaffiliate of LPMI). But per Rule 7.1, once the appeals have been reviewed by at least two members and have notified the Chair of same, then a hearing **must** be scheduled.

35. Further, Respondents are not Appellants and therefore are in no position to request any relief from the Judicial Committee.

36. Finally, Respondents point out that “there are other pressing issues for the LNC to focus on right now, such as elections and voter outreach.” One cannot help but wonder why those “pressing issues” include repeating attempting to remove the LNC Secretary while turning a blind eye and deaf ear to the issues that the nation faces and should be addressed to give the Party a proper public presence in the election season? The previous time, the LNC dropped the ball terribly on the biggest political “gimme” the Party has ever seen, handed to it on an engraved silver platter—the destruction of our freedoms over a head cold. What ball are they dropping now?

Dasbach Amicus

37. Turning briefly to Mr. Dasbach's amicus, it is worthy to note that it appears that the LNC may have some budgetary problems absent the JFC. While that isn't necessarily a Bylaws violation, it is definitely problematic, as evidenced by the recent Treasurer reports that the JFC funds are needed to balance the Party budget. But those are problems for the LNC to address, not the Judicial Committee.

38. As such, the claim is irrelevant to the case.

Chadderon Amicus

39. Turning briefly to Mr. Chadderon's amicus, the claim is made that ending the JFC would harm his state affiliate, LPMI, because it would cost them funds. But as stated before, the ends do not justify the means. As stated in the previous dissent: *"If the ends did justify the means, then the LNC might as well go full-speed ahead to violate the NAP and SOP and go rob a bank."* That applies to LPMI or any other state affiliate as much as it applies to the LNC.

40. Further, the Judicial Committee's scope of this case is limited to whether the JFC violates the national Bylaws in regard to the actions of the LNC, and its associated action regarding rescission, and not the actions of any state affiliate. See also Article 5, Section 5, and Article 8, Section 2, Subsection d. Whether or not a state affiliate entering into the JFC violates their state's election laws or affiliate Bylaws is outside the scope of this body and is for the appropriate state body, be it state election officials or a state affiliate judicial committee, to decide.

41. As such, the claim is irrelevant to the case.

Hagopian Amicus

42. A more in-depth analysis of Mr. Hagopian's amicus is warranted.

43. Amicus claims that the JFC violates Article 14, Section 4 by not providing "full support" to Oliver. Whether the term "full support" is considered a literal term or term of art is irrelevant; the mechanism of the JFC are such that support of the Oliver campaign is not there. Oliver himself has released a statement on October 7, 2024, indicating that his campaign has not received one cent of the portion of the JFC funds that did not go to Kennedy. In effect, the JFC has provided no support for Oliver at all. And the JFC certainly is not respecting the vote of the delegates at convention. On these points, amicus is correct and this claim is sustained.

44. Amicus further claims that per the LP Policy Manual, which are special orders that are subsumed into the Bylaws in accordance with and alongside RONR, that there was no urgency that required the LNC Executive Committee to approve this then-unread

agreement. Since the full LNC met only two days later, that contention is valid. But as stated in the previous dissent: *“Whether or not the motion to enter into the JFA was improper for the Executive Committee or not is immaterial; the violation is the same whether the motion was passed by the Executive Committee of the full LNC, and the specific body that passed it does not cure it of its Bylaws violation.”* This claim is irrelevant because of the nature of the violation.

45. Amicus further claims a violation of RONR 49:7 in that “a committee can only do what the assembly has authorized it to do.” However, that is not what RONR 49:7 says at all. The closest RONR citation to this is 49:5:

“49:5 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.”

The Bylaws are silent on the role or even the existence of an LNC Executive Committee. Regardless of what the Policy Manual says, as noted above, the Bylaws violation is still the same. This claim is irrelevant because of the nature of the violation.

46. Amicus claims a violation of RONR 56:41 in that the LNC Executive Committee was used to bypass minority views on the full LNC. While that bypass may have occurred, it actually is not a procedural violation of RONR. It is definitely a parliamentary maneuver that can be abused to silence dissenting voices, however, especially when those voices are refused to be heard in points of order or have their motions improperly declared to be dilatory—as it happened in this case. The claim cannot be sustained.

47. Amicus claims a violation of Article 10, Section 1 regarding being an officer or member of any committee of any other political party. Article 10 deals with Conventions and Section 1 deals with the scheduling of the convention. There is no language in the Bylaws regarding this alleged violation, so the claim cannot be sustained.

48. Amicus claims a violation of Article 8, Section 1 regarding the LNC being prohibited from entering into a contract that it cannot pay for. Article 8 deals with this Judicial Committee, and there is no mention of this in Article 9 or anywhere else in the Bylaws, so this claim cannot be sustained.

49. Amicus claims a violation of RONR 12:67 regarding expenditures to RFK staffers without LNC approval. However, RONR 12:67 is a form and example of a strike and insert amendment. It is unclear what the correct RONR reference is, if at all. The claim cannot be sustained.

50. Amicus claims a violation of RONR 47:20 regarding violation of Fiduciary Duty. However, RONR 47:20 addresses the general administrative duties of the Chair. In fact, fiduciary duties are not mentioned anywhere in RONR. It is unclear what the correct RONR reference is, or if it is a reference to some other authority. The claim cannot be sustained.

51. Amicus claims a violation of RONR 50:2 regarding committees reporting to their parent body regarding reporting the terms of the JFC and the actual JFC itself to the LNC from the LNC Executive Committee. While 50:2 does not address this claim, it does address in part reporting requirements, but only if the committee is required to do so by the parent body. Authorization for the LNC Executive Committee to act is given in the parameters of 50:8. While a committee reporting out to the parent body is definitely a “best practice,” it is unclear that absent a given mandate to do so that there is a violation. This claim cannot be sustained.

52. However, amicus also correctly points out that the LNC Executive Committee should never have agreed to the JFC without seeing it, and that the JFC should not have been reported out to the full LNC. That lack of common sense regarding entering into contracts is unconscionable.

53. Amicus’s brief does make some valid points, but it also has multiple incorrect citations that cannot be sustained.

Majority Opinion is Fatally Flawed

54. The majority opinion is rife with fatal flaws in both assumptions and arguments.

55. For starters, this Judicial Committee is not tasked with supplanting the LNC, but, as Mr. D’Orazio puts it correctly in the referenced “P.S” in his appeal, this Judicial Committee is not a rubber-stamp for the LNC, either. Yet the majority opinion goes once again to great lengths to do exactly that, including repeating its errors of the previous ruling.

56. Neither does Mr. D’Orazio ask this Judicial Committee to vote based on personal feelings, either, and to accuse him of such is absurd.

57. The majority claims that this Judicial Committee “absolutely reject[s] the notion that the LJC should reject or rewrite the Bylaws to steer the Party toward what we personally believe to be better policy than that crafted by the LNC.” While it is true that it is not the role of this Judicial Committee to rewrite the Bylaws, and absolutely nobody has suggested otherwise, it is also not the role of this Judicial Committee to reject the Bylaws as the majority has done in both opinions. Nor is it about “steering the Party towards what we personally believe to be better policy than that crafted by the LNC.” Nowhere in these dissents has that ever been the case. The harsh reality is that this Judicial Committee’s decisions on this JFC are not to be made based on idealism in policy, but based in determining if proper procedure has been followed in accordance with the Party Bylaws and Rules, as properly applied. IN this case, as has been explained in this dissent and the pervious one, that proper procedure has NOT been followed, and NOT in accordance with the Bylaws.

58. Instead, the majority clings to its previously-held and still-flawed position that the JFC, with the LNC’s name on it and LP administration of it, somehow is still separate and distinct from the LP. The plain wording of the alleged JFC, the words of the Chair in the hearings, and the advertisements by both the Party and the Kennedy campaign say otherwise.

59. Certainly the JFC does not endorse Kennedy, but it still supports it, and that is one Bylaw violation that the majority chooses to ignore. As stated elsewhere in this dissent not all support is endorsements, but all endorsements are support. The issue at question here is support, not endorsement.

60. The majority further errs in presuming that the JFC, with the LNC’s name on it and the LP administering it, “does not constitute ‘financial support’ of the Kennedy campaign. That doesn’t pass the sniff test, as is explained in this dissent: The money donated to the LP, and being put into a bank account with the Party’s name on it, making it Party money the moment it is donated regardless of its earmark status, is then being spent on Kennedy, sent to it, really. If that’s not financial support, then what, pray tell, is? Neither the majority nor the Respondents ever say. A “mutually beneficial financial arrangement” is still financial support, whether it is a one-way street or two.

61. The majority cites Section 1.13 of the Policy manual but then conveniently ignores all of the requirements that section puts forth.

62: To repeat, including assessments of Kennedy to fit the criteria:

Section 1.13 CANDIDATES AND ELECTED OFFICIALS

1) Qualifications for Party Support

The Party may financially support the candidacies of persons who meet the following requirements:

1. The requested contribution from the LNC is legal; ***(TBD; legal opinions vary)***
2. The candidate is a sustaining member of the national LP and a member in good standing of the state affiliate; ***(Kennedy is not known to be a member in good standing of any state affiliate)***
3. The candidate is legally qualified to hold the office and if partisan party registration is available, must be registered as Libertarian, and not registered with any other Party; ***(Kennedy is qualified to hold the office, but is NOT registered as a Libertarian in 27 states, and is registered with other parties, as was explained in the previous dissent.)***
4. The candidate must have a professional quality website and email address under a campaign-related domain name; ***(Kennedy has this.)***
5. The candidate has professional quality photos, especially a headshot and at least a one- minute video with audio of the candidate speaking; ***(Kennedy has this.)***
6. The candidate must have a dedicated campaign manager and a dedicated campaign treasurer; ***(Kennedy has this.)***
7. The candidate must use the word "Libertarian" in their campaign in partisan elections, if allowed by law; ***(Kennedy cannot do this since he is NOT a Libertarian candidate.)***
8. The candidate must have already raised more contributions than requested of the LNC ***(Unknown if the LNC has made such a request or if so, in what amount.)***
9. The candidate has a written campaign plan with justifiable and quantifiable expected results (votes, recruits, money, media, etc.); and ***(Kennedy has not done this)***
10. The candidate will follow the national Party platform or clearly distinguish where their views differ. ***(Kennedy clearly does not follow the national Party Platform nor distinguish where his views differ.)***

63. Of the ten criteria, all of which Kennedy must meet to obtain financial support, Kennedy meets only three, does not meet five, and the remaining two are unknown. Because he does not meet the criteria, the LNC cannot use the JFC to financially support him.

64. This has been the case for Kennedy since before he joined the national party at the national convention, and it has not changed.

65. The majority has chosen twice now to ignore the obvious and instead engage in creative “logic” to justify the unjustifiable. The JFC walks like a duck, talks like a duck, looks like a duck, lays an egg like a duck, is its own form of quackery, and that duck is financial support of a political opponent. And that is unjustifiable, period. It also violates the Bylaws, as has been explained repeatedly in this dissent and the previous one.

Summary

66. To reiterate:

67. The changing of the circumstances surrounding the RFK campaign does not affect the existence of the JFC or the LNC role in it. The JFC violated the Bylaws before and it still does, regardless of how RFK spends the money, be it on campaign debts, his penchant for women, or even deworming treatment, or anything else. The LNC has used its cut of the JFC not to support the Oliver campaign but to pay its own bills and balance its own budget. The ends do not justify the means. In the non-political world, the action of using a shell account to get around legal regulations is close to money laundering, if it's not the actual act itself. The ramifications of this are still being felt and will be felt for some time and remain to be fully seen. But the net result of an LNC that has jumped into bed with an opposing candidate at the expense of the Party's own candidate, Chase Oliver, all to make a buck by monetizing the Party's name and reputation, is damaging to the Party of Principle by showing that it is in fact the Party of Principal instead, for sale to the right bidder for a 10% cut. That's truly disappointing and truly not what Luke Zell, David Nolan, and D Frank Robinson intended for their creation.