

Libertarian National Judicial Committee

Petitioner: Brittany Kosin

VS

Respondent: Libertarian National Committee

**Re: Adoption of Revisions to the Policy Manual
Provision 1.01.4 in Email Ballot ending January 2,
2024 [sic]**

Reply to Kosin Reply of 1/30/25

Jonathan M. Jacobs, Sustaining Member

January 31, 2025

Standing

While Ms. Kosin claims to have “standing” to determine if an argument that the LNC did not file a response is valid. However, Ms. Kosin would have to represent every sustaining member of the Libertarian Party to do that; any of them could raise this issue. She simply cannot guarantee the actions of every other Party member on the planet.

Therefore, there is this preemption, which looks like it will be approved by the time of the hearing. Having the LNC do this discourages those arguments. That is especially true since a “yes” vote is now properly recorded by the secretary, showing that, currently, two thirds of the LNC supports this filing.

Conflict of Interest

Ms. Kosin has made a bizarre “conflict of interest” claim, somehow related to the secretary. As noted, she had made reference to the secretary in other filings.

The orientation of Ms. Kosin seems to be that the rule just applies to one person, apparently the secretary. This rule applies across the board to all officers and at large members; the secretary is just one of several. There is no conflict of interest.

Since this rule was adopted on January 3, 2025, it has been invoked against one person, Angela McArdle, who was never the secretary. She was subject to the start of this process, the formation of an investigatory committee.

One of the points on this policy is its effectiveness. Does it protect the rights of the accused but also give the LNC the ability to act quickly? Looking at what happened, the answer is yes.

Executive Session

Ms. Kosin claims “It is irrelevant that RONR gives a why.” She is dead wrong.

In what may be the only case in the 680+ pages of text, RONR has stated a tort as a reason not to do something. It says, in effect, “This has the high potential for going into litigation (libel), so do it in executive session.” The various authors of the Robert’s Rules books have been noting this likelihood for more than a century. This has been a century of experience dealing with disciplinary actions.

As seen in previous filings, the authors were not alone. There are other cases where libel occurred and where disciplinary action led to litigation. It is fairly common where the information is shared publicly. It has also been my experience that there is a high degree of likelihood for potential litigation.

This is highly relevant because the Bylaws, Article 7.15, *permit* executive session in the case of “pending or potential litigation.” What is needed is to show that this action has a reasonable chance of causing litigation. This shows that reasonable chance that disciplinary action will be “potential litigation.”

After three filings, this is Ms. Kosin’s sole claim based on the bylaws. She insists that disciplinary investigations and trials *could not* be “potential litigation.” The evidence points to the contrary, and it points to a reasonable likelihood of litigation.

If there could be a guarantee that no one sue as a result of disciplinary actions, the “litigation or potential litigation” clause in 7.15 would not apply. Ms. Kosin cannot make that guarantee, nor can I, nor can the LNC, nor could the LPJC. Even if every member of the Libertarian Party on the planet would get together and agree, they could not give that guarantee. Without that guarantee, the debate is over.

Notice

Ms. Kosin missed this point that is worth repeating. She has made the argument that the point of order at the 2022 Convention established 30 days’ notice. That point of order was based on the rules, as they were at the time.

Those rules, even as noted prior to that, could be changed. They were changed, and LPJC’s decisions in Phillies and the Harlos Suspension Cases were based solely on the new rule after the change. If Ms. Kosen is correct, those decisions must be tossed, because they were not based on the rules as they were in 2022. That is the logic, or illogic, of her position, a point that she has not addressed.

In fact, there is no bylaw provision mandating a 30 days’ notice requirement, a requirement for an appeal under the Bylaw. Ms. Kosin has, to date, refused to cite any bylaw that mandates 30 days’ notice. She has been unable, after three tries, to demonstrate one.

She made an initial, and erroneous, assumption that RONR would not apply, but that is disproven. She has never addressed the clause in RONR that says, “Special rules of order supersede any rules in the parliamentary authority with which they may conflict.” She has also failed to address the Bylaw requirement that RONR governs, “in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party (Article XVI, emphasis added).” The Bylaws here say that this newly adopted rule is binding.