

**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 1/29/25**

**Jonathan M. Jacobs, Sustaining Member**

**January 30, 2025**

## Standing

The petitioner raised a point on standing. She claimed that the Chair had resigned, though there is a ballot outstanding to accept that resignation. However, as the filing originally noted, “This is being submitted on behalf of Libertarian National Committee, whose approval is pending, which is currently without a chair or vice chair.” Currently a majority of the entire member of the LNC has approved this action, though the Secretary has yet to properly record the “yes” vote of LNC member Jonathan McGee. The ballot will end on 2/1.

If Ms. McArtle is still the Chair, she also has authorized this.

While Ms. Kosin may offer her personal assurances that she is “not taking the position that the LNC’s failure to respond is an admission or default,” she cannot take that position on behalf of every member of the national Libertarian Party, who may assert that claim. This is a preventative measure for that claim.

## Executive Session

Ms. Kosin seems not to understand the argument being placed. It is not that RONR says that trials should be held in executive session. It is **why** RONR says that. It is very clear in text that the reason an organization, any organization, should not hold a trial in public session. That reason is the high likelihood of litigation. As noted, RONR states, “To make any of the facts public **may constitute libel** (63:3, emphasis added).”

This likelihood has existed for more than a century, as it was noted in General Henry Robert’s magnum opus, the 1923 *Parliamentary Law*<sup>1</sup>. He noted that damages were awarded for publicly disclosing even the charges for which a member was expelled (p. 355). He further noted that the court refused to even hear evidence of guilt of the expelled member.

Ms. Kosin has used the “Pascal’s wager” argument<sup>2</sup>. That is a risk management argument, and it does apply here, but to litigation. It is safer to avoid a cause of litigation, i.e. libel, than to risk the expense of a defense, even if the defense is successful. The Bylaw, 7.15 permits executive session for “pending or potential litigation,” and a trial will almost always have a high risk of litigation. It is this risk that is the problem and that creates the need for executive session.

Ms. Kosin seems to think that her saying “Don’t libel someone,” is somehow sufficient to prevent libel. Each side may call witnesses; the LNC bases decisions on that testimony. Any of those people may create libel or some other actionable conduct. As noted in the previous filing, libel could be charged by people not party to the case, but mentioned in testimony.

As for others in attendance, they are bound by the executive session requirements (9:22), though witnesses could repeat what they themselves said. Minutes of a trial may include things such as points of order and the order of witnesses. A transcript, which the rule entails, would include the testimony. It would be similar to a court record of a trial.

The prior Investigatory Committee's text was adopted in full by LNC on 10/6/24. It is minuted and is a statement of fact<sup>3</sup>. Under the current rule, once adopted, that report would still be public. The LNC had to be willing to take the risk of releasing that report. Under what Ms. Kosin, they would not have the ability to weigh the risks in each case.

### Notice

Seven days' notice is good enough for a suspended officer to appeal to the JC as per the Bylaws. As per the LPJC own rules, seven days' notice is sufficient for all parties to respond. This rule provides for a **minimum of twice that notice**. This is sufficient time to offer a defense.

It should also be noted, as seen in recent events, that moving with alacrity may be necessary. Permitting a situation to continue for weeks may be detrimental to the Party. This policy strikes a balance between those needs and the due process rights of someone potentially facing removal.

Ms. Kosin 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, and LPJC's decisions in Phillis and the Harlos Suspension were based solely on the new rule.

A judgement to look at the rules, as they stood in 2022, would be effectively reversing those two decisions.

### Suspension

Again, the suspension refers to the temporary suspension of an officer or at-large LNC member after being charged. Who could appeal that decision is not at issue in the policy. However, because of the time frame involved, it would be very possible that the case would be resolved prior to the JC's involvement. This is an argument for mootness in those cases.

### Manager

This is not a delegation of authority as such. It is appointing someone to put the case on behalf of the organization. As noted, it is like a "United States Attorney" putting the prosecution case forward. That would not apply that every citizen of the United States agrees with the prosecution.

## End Notes

<sup>1</sup> Robert, Henry M, Parliamentary Law, New York: Applleton-Century-Crofts, 1923, 1951  
<https://babel.hathitrust.org/cgi/pt?id=mdp.35112104592482&view=1up&seq=14>

<sup>2</sup> The thumbnail argument was that it was a better bet to believe in God: If God exist and you believe, you get a big reward. If God does not exist and you believe, your belief does not make any difference. If God does exist and you don't believe in God, then you will burn in Hell for all eternity. Therefor the better bet is to believe in God.

In this case, litigation is the equivalent of burning in Hell for all eternity.

<sup>3</sup> file:///C:/Users/Jonathan/Downloads/LNC\_Special\_Meeting\_Minutes\_(10\_06\_2024\_-\_11\_09\_24)-1.pdf p. 17