

**BEFORE THE JUDICIAL COMMITTEE
OF THE LIBERTARIAN PARTY**

SUPPLEMENTAL RESPONSE OF THE LIBERTARIAN NATIONAL COMMITTEE TO
EMERGENCY PETITION FOR APPEAL FILED BY PETITIONERS ANDREW CORDIO, ET
AL.

The Libertarian National Committee (“LNC”) respectfully submits this Supplemental Response to the Emergency Petition for Appeal (“Petition”) that Andrew Cordio and several Libertarian Party members (“Petitioners”) filed on April 3, 2022.

Despite their differences, all parties to this appeal agree on one thing: the only issue for the Judicial Committee to decide in this matter is whether to affirm the LNC Chair’s ruling that the March 23, 2022 Resolution moved by LNC members Rich Bowen and Pat Ford was out of order. Accordingly, the sole basis for the Judicial Committee’s jurisdiction over this appeal is LP Bylaw 8.2(d), which provides for “voiding of National Committee decisions (Article 7, Section 12).” Pursuant to LP Bylaw 7.12, on which LP Bylaw 8.2(d) relies, the Chair’s ruling may be “vetoed” only if the Judicial Committee concludes that it “contravenes specified sections of the bylaws.”

As the LNC explained in its initial Response, Petitioners make no allegation that the Chair’s ruling violated any Bylaw. They did not do so in their Petition. They did not do so in their April 27, 2022 Reply to the LNC’s Response. And they did not do so during the two-hour hearing the Judicial Committee held in this appeal. As the LNC further explained, the reason for Petitioners’ failure in this regard is clear: the Chair’s ruling does not violate any Bylaw, but rather is consistent with the Bylaws. Because Petitioners make no allegation to the contrary, they fail to provide the Judicial Committee with any basis to veto the Chair’s ruling under Bylaw 7.12. That ruling should be upheld.

Petitioners assert – in direct contradiction of Bylaw 7.12 – that the “actual issue” in this appeal is not whether the Chair’s ruling contravenes any Bylaw, but rather the Judicial Committee’s “prior ruling” in the recent appeal involving the Delaware state affiliate which, they contend, “is directly on point.” Petitioners’ Reply at 2. Petitioners are incorrect. The Delaware appeal arose under different circumstances from this appeal, and the Judicial Committee’s decision in that appeal has little relevance to the narrow issue to be decided here.

In particular, unlike this appeal, the Delaware appeal was not brought pursuant to Bylaw 8.2(d) and Bylaw 7.12, but rather arose under Bylaw 8.2(a) and Bylaw 5.6, which govern suspension of affiliate parties. Further, the Delaware appeal actually involved two competing appeals, each one filed by individuals claiming to represent the genuine Delaware state affiliate. As the Judicial Committee explained:

Under LP Bylaws Article 5.6 (underline added), “The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation.” Only the rightful affiliate has standing to appeal

under this article. Therefore, no more than one of the appeals submitted to us could possibly be accepted under Articles 5.6 and 8.2.a. To determine who has standing to file such an appeal, the JC needs to determine who are the rightful LPDE officers....

Will McVay v. Libertarian National Committee and Bill Hinds v. Libertarian National Committee, Majority Opinion (A. Mattson) (February 13, 2022) at 2.

The Judicial Committee thus concluded that it could not properly exercise jurisdiction over the Delaware appeal unless it first determined which of the competing appeals was filed by the genuine state affiliate, because only that entity had standing under Bylaw 5.6. This appeal presents no such complication. It is properly before the Judicial Committee pursuant to Bylaw 8.2(d), not Bylaw 8.2(a), and the only issue to be decided is whether the Chair’s ruling should be affirmed under Bylaw 7.12. The Delaware appeal did not even address that issue.

This appeal differs from the Delaware appeal in another critical respect. The Judicial Committee’s ruling in the Delaware appeal was predicated on the fact that the LNC had scheduled a motion “that opened the door to recognizing those who are not the rightful officers,” which, together with its failure to act on another motion, “serve[d] as a constructive disaffiliation of the LPDE affiliate....” Mattson Op. at 9. The LNC maintains that “constructive disaffiliation” is not a proper basis for the Judicial Committee to exercise jurisdiction, because that term is not included in the matters “expressly identified” under Bylaw 8.2, which form the exclusive basis for the Judicial Committee’s jurisdiction. But even if the Judicial Committee concludes that it may hear appeals from a “constructive disaffiliation” – an undefined term that appears nowhere in the Bylaws – it should not do so here.

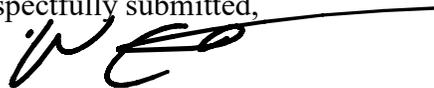
Unlike in the Delaware matter, the LNC has not taken any action with respect to this dispute involving the Libertarian Association of Massachusetts (“LAMA”). It has not considered any motion – much less adopted one – that could possibly be construed as a “constructive disaffiliation” of that affiliate. Whatever “constructive disaffiliation” might mean, it cannot be the case that the LNC has done it here, when all parties concede that the LNC has taken no action whatsoever. Instead, the LNC has prudently refrained from inserting itself into this state-level dispute, leaving it to the state affiliate to resolve. The suggestion that this inaction rises to the level of a “constructive disaffiliation” that supports jurisdiction under Bylaw 8.2(a) stretches the “limited” jurisdiction conferred under that Bylaw beyond the breaking point. It would allow the Judicial Committee to exercise jurisdiction over any dispute whatsoever, in clear violation of the plain language of Bylaw 8.2(a).

Conclusion

For the foregoing reasons, and those stated in the LNC’s Response, the ruling of the Chair should be affirmed.

Dated: 5/2/2022

Respectfully submitted,



Whitney Bilyeu
Chair

Libertarian National Committee