

AMICUS CURIAE BRIEF #2 FOR HECTOR ROOS¹ IN SUPPORT OF RESPONDENT (KOSIN VS. LNC)

Date Submitted: February 15, 2025

The JC has transmitted a question to parties about the procedural ripeness of the Kosin appeal.² Rather than answer the question, this amicus humbly suggests that the JC avoid it altogether. As explained in the amicus' first brief, the bylaws only require the JC to consider whether "decision of the National Committee contravenes specified sections of the bylaws." (Article 7, Section 12). The JC has the inherent authority under the bylaws to decide how to dispose of the question and to decline to consider whether to provide further review to speculative effects.

This JC has been here before. In the *Phillies' Decision*, the JC determined that due process was violated in the suspension of the LNC Secretary which *strictly* held that the disciplinary action did not meet the "standard required for prosecution set forth in LNC Policy Manual 1.01 (4)" implicitly declared the rule unsuspendable and did not consider other issues to reach the same result.³

In the Kosin appeal, the JC can make a straightforward determination again that the PM amendment was adopted properly and call it a day.

It is important for the JC to consider this course of action for judicial economy reasons. The appeals process should not be abused as a debate platform or to utilize the JC like a messenger pigeon as lend credibility to personal disappointment or angst to the LNC and members. Without this discretion, the JC will encourage all manner of appeals of political and personal disagreement going back to the beginning of time if necessary.

Should the JC consider the speculative "effect" of the PM amendment then the JC is also expanding its authority to be able to preempt any future LNC business which is potentially disruptive. The Kosin appeal is demanding such a procedural stance by the JC for personal reasons.⁴

When Colonel Lawrence finally went home, he wrote in his memoir titled *Seven Pillars of Wisdom* sharing his disappointment that the divided Arabs did not achieve their goals after losing out in the peace process to the great powers, stating:

"... When we achieved and the new world dawned, the old men came out again and took from us our victory, and remade it in the likeness of the former world they knew..."

The history of JC intervention is driven by political and personal conflicts that never provide a long-term solution. This amicus suggests the JC exercise its discretion to reduce the potential of moral hazard.

¹ Roos is a prospective respondent to appeal. See LP Bylaws 7.12 and JC RAP Rules 1.4.

² Does a decision by the LNC to adopt a rule itself violate the bylaws if an action taken by the LNC based on the rule would violate the bylaws, even if no action or decision has been made by the LNC based on the rule (assuming such adoption was procedurally valid)? If so, why? Where do the Bylaws prohibit the enactment of rules that, if acted on, would violate the Bylaws?

³ The JC could have decided *Phillies'* differently. A) Holding that the disciplinary hearing in executive session violated due process; or B) Holding Policy Manual 1.01 (4) was not binding on the LNC having been implicitly suspended by a unanimous vote to adopt at least one charge or specification. [See *Phillies' Decision* FN 16].

⁴ It is insulting to read an insinuation that the JC cannot be fair or act professionally at the time of an appeal of a suspension. A suspension is very rare and its outcome is speculative. Most times people resign in the face of disciplinary threats, particularly in a volunteer, unpaid role. LNC history does only indicate 5 suspension attempts in the course of 16 years (with 2 out of 5 being the same person).