

MOTION REGARDING ACTIONS OF JUDICIAL COMMITTEE

Whereas, Article 9, Section 2 of the Libertarian Party Bylaws specifically restricts the authority of the Judicial Committee:

The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

- a. suspension of affiliate parties (Article 6, Section 6),
- b. suspension of officers (Article 7, Section 8),
- c. suspension of National Committee members-at-large (Article 8, Section 5),
- d. voiding of National Committee decisions (Article 8, Section 13),
- e. challenges to platform planks (Rule 5, Section 7),
- f. challenges to Resolutions (Rule 6, Section 2), and
- g. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5)

Whereas, these explicit restrictions were spelled out in detail in the Bylaws by convention delegates for the purpose of preventing an unchecked Judicial Committee from usurping the power of the Libertarian National Committee to run the affairs of the Libertarian Party and make decisions on the Libertarian Party's behalf;

Whereas, the dispute in question has always been about recognizing the leadership of officers properly selected under the 2009 Bylaws of the Libertarian Party of Oregon (LPO), and not the choosing between two organizations or disaffiliating a state affiliate, and in fact the Libertarian National Committee never took action under Article 6, Section 6 of the Libertarian Party Bylaws to disaffiliate the LPO;

Whereas, under the LPO's 2009 Bylaws, which were never amended as per the procedure specified in those same bylaws, it was not possible on the date of the Judicial Committee appeal for the Wagner-led faction to be the legitimate leadership of the LPO;

Whereas, the Wagner-led faction lacked standing for its appeal since the section of the Libertarian Party Bylaws (Article 6, Section 6) under which the Judicial Committee accepted the appeal only permits appeals to be made by an affiliate party whose affiliate status had been revoked, so that the Judicial Committee had to assume its subsequent conclusion prior to deliberation and in the face of *prima facie* evidence to the contrary;

Whereas, the Judicial Committee lacked jurisdiction to void a decision of the Libertarian National Committee except under Article 8, Section 13 of the Libertarian Party Bylaws, and then only after first receiving a petition containing the specified number of signatures as part of an appeal, and no such petition or appeal was ever circulated or received by the Judicial Committee;

Whereas, the Libertarian Party Bylaws do not give any authority to the Judicial Committee to determine matters of state party leadership;

Whereas, the Judicial Committee on August 25 declared that the leadership of the Libertarian Party of Oregon is decided by the Oregon Secretary of State, rather than by LPO members in accordance with their duly adopted bylaws, and in doing so crafted a rule of its own making, rather than adhering to the Libertarian Party Bylaws adopted by convention delegates;

Whereas, the Judicial Committee, in disregard of the Libertarian Party Bylaws and even its own written procedures, made a further declaration on September 23 concerning affiliate autonomy, a subject where no appeal was made and no hearing conducted; and

Whereas, a direct consequence of the Judicial Committee's improper actions of August 25 and September 23 was the Oregon Secretary of State's September 29 decision to recognize the last officers known to them, rather than the officers elected by members of the Libertarian Party of Oregon in accordance with its bylaws.

Therefore be it resolved, it is the sense of the Libertarian National Committee that the decision by four members of the Judicial Committee in its 4-3 declaration regarding the Libertarian Party of Oregon constituted a violation of the Libertarian Party Bylaws, and that the Judicial Committee has acted outside of its limited authority, which is clearly and explicitly defined in the Libertarian Party Bylaws; and

Be it further resolved, the Libertarian National Committee finds the decision was particularly tainted by the fact that the deciding vote on the Judicial Committee was cast by one person with a conflict of interest so blatant that in any other venue of jurisprudence such a person would have inescapably had to recuse himself.

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