

Judicial Committee of the Libertarian Party  
Clarification of our September 2015 Ruling  
February 20, 2016

All six of the questions asked in Libertarian Party of Oregon's Request for Clarification of our 2015 ruling turn on two more fundamental questions: a) Did Wes Wagner have the power to cancel the May 21, 2011 meeting of the LPO convention, which had been called by the convention itself? and b) Did five members of the LPO, not meeting in convention on March 31, 2011, have the power to replace the Constitution and Bylaws of the LPO? If the answer to either or both of the above questions is No, then the answers to the six questions in the Request for Clarification follow directly. Likewise, if the answer to both of the above questions is Yes, then the answers to the six questions in the Request for Clarification follow directly.

We are not the first body to consider these questions. The Libertarian National Committee (LNC) decided No to both questions in 2011. The Oregon Secretary of State's office decided in 2011 that it would not decide these questions, that these questions could only be decided by the Libertarian Party or by a court of law. Three Oregon judges have considered these questions. The first two determined that the answer was likely to be No to both questions and that the case should proceed to trial. The third judge did not answer Yes to either question, but opined that even if five members of the LPO were to have the power to replace the Bylaws, that they certainly could not have replaced the LPO's Constitution outside convention. Counsel for both sides stipulated that the LPO's Constitution was not replaced in 2011. The third judge then ruled that the questions before it should be decided by the Party, not by the courts, and denied all of the motions for summary judgement submitted by both sides. The Judicial Committee of the LPO considered these questions in 2013 and answered No to both questions. In 2012, the highest body of the Libertarian Party, the delegates assembled in a National Convention, implicitly answered No to these questions by seating the Reeves/Epstein delegation rather than the Wagner/Hedbor delegation. No authority inside or outside the Libertarian Party has ever determined either that Mr. Wagner's purported cancellation of the May 21 meeting of the convention was valid or that the alleged Constitution and Bylaws, purportedly adopted by five members of the LPO outside convention on March 31, were in any way valid.

Therefore the answer to the two questions above is plainly No. The 2007 Constitution and the 2009 Bylaws of the Libertarian Party of Oregon in effect throughout 2011 do not provide for any possibility to amend the Constitution or Bylaws outside convention nor do they grant the power to cancel a meeting of the convention, called by the convention itself, to any power outside the convention. This has been stipulated by both factions. No authority inside or outside the Libertarian Party has ever found merit in the counterargument based on Mr. Wagner's interpretation of Oregon state statutes. However, even if Mr. Wagner's interpretation had merit, we would be forced to reach the same conclusion because counsel for both sides stipulated in court on May 16, 2013 that the LPO Constitution could not have been replaced outside the convention.

Any one of the above reasons forces us to answer the questions in the LPO's Request for Clarification as follows:

1. This is the wrong question. The next question is the right question.
2. No, the National Chair is in violation of Article 6.5 of our Bylaws by sending membership data to persons other than the officers of the LPO who were elected by the members of the LPO in convention and by linking to a website other than the website under the control of the duly elected officers.
3. This is a question for the LNC, not the Judicial Committee. The LNC has the power to enforce its own decisions upon the Chair.
4. The National Chair should comply with Article 6.5 of our Bylaws by sending membership data to the officers of the LPO who were elected by the members of the LPO in convention and by linking to the website under the control of the duly elected officers.
5. The current Chairperson of the Libertarian Party of Oregon, PAC 622, is Ian Epstein.
6. The current Bylaws of the Libertarian Party of Oregon, PAC 622, are the Bylaws adopted by the members of the LPO at the March 9, 2013 convention, the last convention at which they were amended.



## LIBERTARIAN PARTY OF OREGON

### MEMORANDUM

TO: M Carling, Chair, National Judicial Committee

FROM: Ian Epstein, Chairperson, Libertarian Party of Oregon

DATE: December 22, 2015

RE: Clarification of Sept. 2015 National Judicial Committee Ruling

The Libertarian Party of Oregon thanks the national Libertarian Party Judicial Committee for its ruling of September 2015. However, National Chair Nicholas Sarwark continues to recognize the coup leaders rather than the legitimately elected officers of the LPO. We request a clarification of your previous ruling, specifically:

1. Is the National Chair in compliance with the ruling of the Judicial Committee?
2. Is the National Chair in compliance with the bylaws of the national Libertarian Party?
3. Is the National Chair in compliance with the decisions and adopted resolutions of the Libertarian National Committee regarding the LPO concerning the Libertarian Party of Oregon?
4. If the National LNC Chair is not in compliance with any of the above, what does the National LNC Chair need to do to comply?
5. Based on your ruling of September 2015, the national party bylaws, the Libertarian Party of Oregon bylaws, the ruling of the Libertarian Party of Oregon's Judicial Committee, and LNC resolutions, who is the current Chairperson of the LPO, PAC number 622?
6. Based on your ruling of September 2015, the national party bylaws, the Libertarian Party of Oregon bylaws, the ruling of the Libertarian Party of Oregon's Judicial Committee, and LNC resolutions,, which are the valid bylaws of the LPO, PAC number 622?

Respectfully,

Ian Epstein, Chairperson  
Libertarian Party of Oregon