

To: The Judicial Committee of the national Libertarian Party

From: M Carling, LLM, Secretary, Libertarian State Leadership Alliance

Dear Chairman Hall, Judge Gray, Mr. Holtz, Mr. Latham, Mr. Sarwark, Mr. Sullentrup, and Mr. Wrights:

It has come to my attention that the Judicial Committee has accepted a case concerning the action recently taken by the Executive Committee of the Libertarian National Committee regarding the Libertarian Party of Oregon. I write in my capacity as Secretary of the Libertarian State Leadership Alliance because Wes Wagner's complaint to the LNC cited my exercise of my duties as LSLA Secretary in removing Wes Wagner from the State Chairs' Discuss List when his term of office expired on 21 May 2011, and in adding Tim Reeves to the same list upon his election as Chairperson of the LPO on the same date.

I will begin by disclosing that I have been a member of the LPO for many years, that I served as Chairperson pro-tem of the LPO in 2007 and as Chairperson of the LPO Judicial Committee from March 2009 to March 2010. I attended the November 2010 special convention and the March meeting of the 2011 regular convention and I teleconferenced into both the May adjourned meeting of the 2011 regular convention and the post-convention meeting of the State Committee.

Wes Wagner's repeated attempts to amend the LPO bylaws to eliminate the non-initiation of force pledge as a requirement of membership have been rejected by the delegates at convention after convention. The LPO State Committee had no power to eliminate the pledge from the LPO bylaws, yet purported to do so. The LPO constitution grants no such power to the State Committee. The LPO bylaws grant no such power to the State Committee. Robert's Rules of Order Newly Revised grants no such power to the State Committee. The Oregon Revised Statutes grant no such power to the State Committee (see particularly ORS 248.007(3) at <http://www.leg.state.or.us/ors/248.html>). Therefore, the LPO bylaws as amended by the members assembled in convention in 2009 remain in force.

If the LNC were to vote to adopt new national LP bylaws eliminating the non-initiation of force pledge, extending the incumbent LNC members' term of office, and eliminating the Judicial Committee, would those purported new bylaws have been properly adopted and in force? Would the national LP Judicial Committee suddenly cease to exist at a stroke of the LNC's pen? Does the LNC have such authority? Or would the national LP bylaws adopted by our delegates assembled in convention remain in force? These questions are exactly analogous to the situation in Oregon.

On the other hand, the election of Tim Reeves as Chairperson of the LPO on 21 May 2011 was entirely in compliance with the Oregon Revised Statutes and the LPO constitution and bylaws adopted by the pledge-signing LPO members assembled in convention. Every "i" was dotted and every "t" crossed.

When Jeff Weston resigned as LPO Chairperson on 12 March 2011 and the LPO bylaws promoted Wes Wagner from Vice-Chairperson to Chairperson, I verified that Wes Wagner was on the State Chairs' Discuss List that same morning. My personal opinion about whether Mr. Wagner should or should not be the Chairperson of the LPO was irrelevant to my decision and did not enter into that decision. Similarly, when I removed Wes Wagner from the list and added Tim Reeves, I did so because Mr. Wagner's term of office had ended and Mr. Reeves had been duly elected. My personal opinion about who should or should not be the Chairperson of the LPO was irrelevant to my decision and did not enter into that decision.