

**In the Judicial Committee
Libertarian Party**

Allen Hacker, Member

June 21, 2009

In the matter of the appeal of R. Lee Wrights of the recent situation vacating his At-Large Representative seat on the Libertarian National Committee pursuant to Bylaw 8, Section 4;

Decision in the Minority as Separate among Three such Minority Decisions:

The question in this case is a simple one: "Does a lapse in dues require a for cause removal under Section 8.5 of the bylaws?" This question arises from Bylaw 8.4 which requires that an LNC At-Large Representative be a Sustaining member as defined elsewhere in the bylaws.

The question only appears to become difficult if it is removed from the sense of the bylaws as a coherent body of law and then addressed only within the confines of the present appeal and its originating circumstances. However, any such difficulty is extraneous; the Judicial Committee should always decide any issue before it from a wholistic perspective, on the premise that decisions tailored to any set of particulars may well not function well in others. Deciding this question in that manner divorces all emotion and politics from the decision and is the best path to future party unity.

To decide this question in the affirmative by any logic would set up a paradox, or worse, within or respect to the bylaws. On the one side of that paradox is the undisputed fact that the LNC cannot ignore, suspend or alter a bylaw. Yet a Yes decision would seem to empower the LNC to do just that by either inaction or failing to carry a motion for suspension in the event of a member's failure to maintain the status required by bylaw 8.4. For that exception to be valid, the Judicial Committee would have to have an existing power to overturn the supreme law of the Party, and that power it does not have.

The only responsible decision is to answer the question in the negative. This prevents the creation of said paradox, and avoids the Judicial Committee stepping out of bounds. It also avoids the Judicial Committee assuming the role of janitor upon the discovery of ill-considered bylaws and/or their unintended consequences.

Therefore, without regard to the precipitating circumstances underlying the appeal before us, and without comment on anything beyond the question before us, I answer the question in the negative:

NO, a lapse of sustaining membership as required by Bylaw 8.4 does not require a for-cause motion, and the consequences of such a lapse cannot be decided under a for-cause vote, pursuant to Bylaw 8.5.

ss: Allen Hacker