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March 6, 2023

Ms. Angela McArdle, Chair  
Libertarian National Committee  
1444 Duke Street  
Alexandria, VA 22314

*Via Email*  
angela.mcardle@lp.org

**Re: Libertarian Party of Michigan**

Ms. McArdle:

I am writing as legal counsel for the Libertarian Party of Michigan (LPM) in response to your letter dated February 16, 2023, to former LPM chair Joe Brungardt. In your letter, you falsely claim that LPM's executive committee is chaired by Mr. Andrew Chadderdon and consists of individuals appointed by Mr. Chadderdon and his allies after the LPM convention in July 2022. This claim is patently false and has been debunked in a series of communications to LPM members and Mr. Chadderdon himself. In brief, Mr. Chadderdon was lawfully removed from the acting chair position at the July convention by a 2/3 vote of the delegates present. Rather than recounting the numerous errors in Mr. Chadderdon's illegitimate claim to power, I am attaching a recent letter to Mr. Chadderdon's attorney for your review and reference.

In your February 16 letter, you assert that the executive committee elected during the July 2022 convention is not affiliated with the Libertarian National Party. This claim is also false. As indicated in Federal Election Commission Advisory Opinion No. 2016-17, the national party has stated in federal filings that LPM is its chartered state-level affiliate. No action to disaffiliate LPM has been taken since that time. Instead, the national party, under your leadership, has inappropriately interfered with the governance of LPM by backing Mr. Chadderdon over the rightfully elected executive committee. Neither the LPM bylaws nor the national party bylaws provide any authority for this type of interference in state-party affairs, which is also counter to the libertarian

ideal of local self-governance.<sup>1</sup> In fact, the national party's bylaws expressly state that, unless otherwise provided, the "autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party."<sup>2</sup>

Because LPM is the state-level affiliate of the Libertarian National Party, its executive board and members are entitled to use its state-level information technology (IT) systems, including the CiviCRM system and the state-level pages on michiganlp.org. The recent decision to deny LPM members access to these resources was inappropriate and lacking in any legal basis, and we therefore request that access be immediately restored.

Further, your demand that the LPM cease using the name "Libertarian Party" is similarly unjustified. As described above, LPM is the state-level affiliate of the national party and is therefore authorized to use the term "Libertarian Party" under the terms of the national-party bylaws. Even if LPM were to later disaffiliate from the national party, the national party would still have no right to force LPM to change its name. As you may know, the Libertarian Party of Michigan was founded and adopted its name in 1972, which was almost 30 years before the national party registered the trademark "Libertarian Party" in 2001. Additionally, at the time of its founding, LPM was not formally affiliated with the national party. This history shows that LPM's use of the term "Libertarian Party" does not infringe the national party's mark, but is instead used for the descriptive purpose of conveying the party's political philosophy. Under the Trademark Act, the descriptive use of a mark does not qualify as trademark infringement and does not give rise to civil liability.<sup>3</sup> Accordingly, any effort to prohibit LPM from using the term Libertarian Party would fail. This is well-recognized by intellectual property experts, which is why neither the Republican Party nor the Democratic Party have registered their party names. The Democratic Party abandoned an attempt to

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<sup>1</sup> Ludwig von Mises, "Nation, State, and Economy: Contributions to the Politics and History of Our Time," translation by Leland Yeager, of *Nation, Staat und Wirtschaft* (1919), p. 34-35 ("[T]he principle of the right of self-determination of peoples . . . follows necessarily from the principle of the rights of man.")

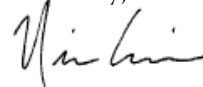
<sup>2</sup> Bylaws of the Libertarian Party, art. 5, § 5.

<sup>3</sup> 15 U.S.C. § 1115(b)(4).

register its name in 1992,<sup>4</sup> and the USPTO has recognized that other similarly descriptive party names do not satisfy the standards of the Trademark Act.<sup>5</sup>

In sum, the rightfully elected officers of the Libertarian Party of Michigan ask that you immediately cease and desist any further efforts to delegitimize their positions or otherwise interfere with the affairs of the state-level party. They further demand that the recently revoked IT privileges be restored in full and that the members of Mr. Chadderdon's illegitimate board be denied access to edit the state-level pages on [www.lp.org](http://www.lp.org). If you do not satisfactorily respond to these requests within 14 days of the date of this letter, LPM will consider pursuing appropriate legal remedies.

Sincerely,



Nick Curcio

Attachment

Letter to Attorney Eric Doster

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<sup>4</sup> USPTO Serial No. 74152276.

<sup>5</sup> USPTO Serial No. 77039315 (Christian Democratic-Republican Party); USPTO Reg. No. 4482846 (National Independent Party).



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March 6, 2023

Eric Doster  
Doster Law Offices, PLLC  
2145 Commons Parkway  
Okemos, MI 48864

*Via Email*  
eric@ericdoster.com

**Re: Libertarian Party of Michigan  
Illegitimate Board Chaired by Andrew Chadderdon**

Mr. Doster,

I am writing as legal counsel for the Libertarian Party of Michigan (LPM), having been recently retained in connection with a governance dispute involving former party chair Andrew Chadderdon. I understand that you represent Mr. Chadderdon and the organization which he now falsely claims to be the LPM executive committee. This letter is intended to refute Mr. Chadderdon's illegitimate claims to party leadership and demand that he and his allies cease and desist in their efforts to delegitimize the rightfully elected officers of LPM.

As an initial matter, I would like to start by recapping the events that lead to the present situation. Early last summer, Chair Tim Yow and First Vice Chair Ben Boren resigned from the LPM executive committee, citing hostility from Mr. Chadderdon and his allies and deep concern regarding their decision to remove a denouncement of bigotry from the party platform. As a result of their resignations, Mr. Chadderdon, who was serving as second vice chair, ascended to the position of acting chair pursuant the LPM bylaws.

Members of the LPM executive committee were concerned that Mr. Chadderdon would not be able to effectively lead the party because of his poor relationship with party members and his poor performance in the role of LPM political director, which is a duty of the second vice chair. In light of these concerns, members of the LPM executive committee notified Mr. Chadderdon in mid-June that they intended to call a vote of no confidence to remove him

from the executive committee during the party's candidate nominating convention on July 9. Members also indicated their intent to nominate candidates and conduct elections to fill the vacancies on the executive committee during the convention and asked that written notices of the elections be sent to all party members.

Mr. Chadderdon openly opposed these efforts and attempted to thwart them. As part of his strategy, he declined to send notices of the elections to party members.<sup>1</sup> He also requested authorization to hire an attorney on behalf of the party who would report solely to him and would opine on the legality of the various proposed actions to take place at the convention. The executive committee denied that expenditure request, but instead authorized retaining your services for a two-hour legal consultation with the full executive committee.

The consultation was conducted via Zoom videoconference on July 5, four days before the convention. During the meeting, you fielded questions from LPM officers and offered the following legal advice:<sup>2</sup>

1. There "is no higher authority" within a political party than the party's convention, and the determinations made by convention delegates are "unassailable" from a legal perspective.<sup>3</sup>
2. When asked whether it would be permissible to elect officers to fill the vacancies on the executive committee during the convention even though the election of officers was not specifically mentioned in the call to convention, you indicated that *Robert's Rules of Order*<sup>4</sup> defers to a body's custom or practice of interpreting its bylaws. You then asked whether LPM had a custom or practice of allowing items to be added to the agenda during a convention. When an LPM officer responded in the affirmative, you indicated that it would be procedurally proper to add elections for first vice-

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<sup>1</sup> Notably, after Mr. Chadderdon and his allies refused to send notices of the elections, another member of the executive committee, Dave Canny, took it upon himself to do so. Mr. Chadderdon contends that those notices were insufficient because Mr. Canny did not have specific authorization to send them. Nevertheless, there's no dispute that all members of the party had actual notice of the proposal to fill the vacancies at the July convention.

<sup>2</sup> While the consultation was conducted in executive session, the delegates at the July convention voted to publicly release the resulting videorecording, which is now available on YouTube at this [link](#) (hereinafter, "Doster Video").

<sup>3</sup> Doster Video 38:00-40:05.

<sup>4</sup> Citations to *Robert's Rules* in this letter refer to the *Robert's Rules of Order, Newly Revised* (12th ed.).

chair, second vice-chair, and congressional district representatives to the agenda.<sup>5</sup> You later confirmed this at least two more times during the remainder of the meeting.<sup>6</sup>

3. When asked whether a member of executive committee could be removed from office via a vote of no confidence at the July convention if the officer was not given 14 days' prior notice of the intent to remove, you indicated that article III, section 10 of the LPM bylaws only requires 14 days' prior notice for removal votes taken during executive committee meetings, not for removal votes taken at a convention. You then reiterated: "My answer to this, if you didn't receive previous notification at a convention, I don't think that's relevant," and further indicated "I would say it would still be in order."<sup>7</sup>
4. When speaking about convention procedure, you indicated that the process for resolving disputes regarding the proper interpretation of the bylaws or *Robert's Rules* was that "the chair makes a ruling of parliamentary procedure and then the convention would have to defeat that ruling, you know, would appeal the ruling of the chair, and, as I recall, it takes a bare majority."<sup>8</sup>

In his opening comments at the convention,<sup>9</sup> Mr. Chadderdon – while claiming to be acting on your advice – made clear that he had no intention to allow votes on his removal from the executive committee or on the filling of executive committee vacancies.<sup>10</sup> Instead, he proposed a convention agenda that did not include either of those items of business. When a motion was made from the floor to approve a substitute agenda that included them, Mr. Chadderdon ruled the motion out of order on the grounds that proper notice of the intent to fill the vacancies had not been given as required by *Robert's Rules*.<sup>11</sup> This ruling was contrary to your repeated advice that the executive committee vacancies could be filled at the

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<sup>5</sup> *Id.*, 32:50–36:00.

<sup>6</sup> *Id.*, 40:15–40:27 ("Now that I know that you can craft your agenda at this late hour, that's great, because you can put in these elections."); *Id.*, 1:13:55–1:14:53.

<sup>7</sup> *Id.*, 43:26–47:10.

<sup>8</sup> *Id.*, 46:30–47:01.

<sup>9</sup> A full video of the convention is available on YouTube at this [link](#) (hereinafter, "Convention Video").

<sup>10</sup> Convention Video, 6:00–9:45.

<sup>11</sup> *Id.*, 16:10–23:10 (citing *Robert's Rules* §§ 47:58, 56:32).

convention because the party had a custom or practice of allowing items to be placed on the convention agenda that were not stated in the call to convention.<sup>12</sup>

As soon as Mr. Chadderdon ruled the motion out of order, a subsequent motion was made to appeal his ruling to the full assembly. Remarkably, Mr. Chadderdon ruled that motion out of order too,<sup>13</sup> disregarding your advice as to how procedural objections should be handled.<sup>14</sup> In doing so, he cited a provision of *Robert's Rules* regarding frivolous and absurd motions,<sup>15</sup> thereby implicitly indicating that no reasonable person could possibly agree with your advice regarding the proposed vacancy elections.

The delegates were outraged by Mr. Chadderdon's second ruling and responded by moving to replace him as convention chair. That motion passed by a clear majority.<sup>16</sup> Under the leadership of the replacement chair, the convention delegates proceeded to remove Mr. Chadderdon from the executive committee through a vote of no confidence and to fill the vacancies on the executive committee. The motion in support of the vote of no confidence stated, among other things, that Mr. Chadderdon had "consistently used the Bylaws and *Robert's Rules* as a weapon against those who oppose him." After discussion, a vote on the motion was called – without any procedural objection from Mr. Chadderdon or others on the floor – and was approved by over two-thirds of the delegates. Accordingly, the first vice chair ascended into the position of acting chair and a new executive committee was constituted.

Following the convention, the newly selected executive committee met and conducted its work without objection for four months. Then, in mid-November, Mr. Chadderdon sent a letter to the LPM judicial committee asking it to overturn his removal from the executive committee and to void the results of the vacancy elections conducted at the convention. In support of those requests, Mr. Chadderdon alleged procedural error based on a novel theory that the July convention was a "special meeting" for purposes of the bylaws and *Robert's Rules*

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<sup>12</sup> See footnote 4 and accompanying text.

<sup>13</sup> Convention Video, 24:35–25:50.

<sup>14</sup> Doster Video, 46:30–47:01.

<sup>15</sup> *Robert's Rules* § 39:3 ("Any main or other motion that is frivolous or absurd or contains no rational proposition is dilatory and cannot be introduced. As further examples, it is dilatory to obstruct business by appealing a ruling of the chair on a question about which there cannot possibly be two reasonable opinions.").

<sup>16</sup> Convention Video, 27:00–30:58

and that, as a result, business could only be conducted if it was specifically referenced in the written document calling the meeting.<sup>17</sup> Despite the extensive discussion of procedural issues during July 5th executive session and the July 9th convention, not a single person (including Mr. Chadderdon) had previously suggested this interpretation of the party's rules. Nevertheless, the judicial committee considered and endorsed Mr. Chadderdon's newfound theory and issued an opinion declaring that the "Executive Committee shall be reverted to its composition as of July 8th." Based on that opinion, Mr. Chadderdon now claims to have re-ascended to the position of LPM acting chair and to lead a so-called executive committee consisting of individuals he personally selected.

Contrary to Mr. Chadderdon's assertions, the judicial committee had no authority to consider the relief that he requested in his November 19 letter, much less to issue a purportedly self-executing decree that overturns the results of a convention. As spelled out in the LPM bylaws, the judicial committee is vested with the "judicial power of the party" and charged with "decid[ing] cases involving alleged violations of these bylaws or resolutions."<sup>18</sup> The committee's ruling on Mr. Chadderdon's request exceeded the scope of this jurisdictional grant in at least three ways.

First, while Mr. Chadderdon argues that any disagreement regarding the proper interpretation of the bylaws or *Robert's Rules* constitutes a "case" that the judicial committee can consider, this is a far broader interpretation than what the drafters of the bylaws intended. The bylaws provision authorizing the judicial committee to hear "cases" is similar to the provision in the U.S. Constitution authorizing federal courts to hear "cases" and "controversies." That provision has been interpreted as a limitation on the jurisdiction of the federal courts that, among other things, authorizes them to act only when a party "asserts his rights in the form prescribed by law."<sup>19</sup> Here, *Robert's Rules* prescribes the proper form of raising procedural objections by requiring that such objections first be raised in a point of order during a meeting of the body that is considering or previously considered the motion

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<sup>17</sup> Mr. Chadderdon's letter specifically cited *Robert's Rules* § 9:13, which provides "A special meeting (or called meeting) is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting."

<sup>18</sup> Libertarian Party of Michigan Bylaws, art. V.

<sup>19</sup> *Osborn v. Bank of the United States*, 22 U.S. (9 Wheat.) 738, 810 (1824).

in question.<sup>20</sup> It further provides that if the chair of the body rules the motion to be in order, the first right of appeal is to the body as a whole.<sup>21</sup> As described above, Mr. Chadderdon did not raise a point of order or otherwise formally object when the convention chair entertained motions to remove him from office or to fill the vacancies on the executive committee. Because no objection was made, there was no formal ruling on the propriety of the motion from either the convention chair or from the body as a whole. Without a formal ruling, Mr. Chadderdon did not have anything to “appeal” to the judicial committee, and the judicial committee therefore was not presented with a proper “case” over which it could exercise jurisdiction.<sup>22</sup>

Second, even if Mr. Chadderdon had followed the procedural requirements for instituting a “case,” the judicial committee would have still lacked jurisdiction over the questions presented by Mr. Chadderdon because they pertain to actions taken by the delegates at a convention. As you repeatedly emphasized during the executive session in July, there “is no higher authority” within a political party than the party’s convention, and the determinations made by convention delegates are “unassailable” from a legal perspective.<sup>23</sup> For this reason, the “judicial power” granted to the judicial committees within the Libertarian Party does not include the ability to review convention actions. As described in the attached memo from Bill Hall – who is the former legal counsel for the national party and a former member of both the state and national judicial committees<sup>24</sup> – this limitation has been long understood within the party. According to Mr. Hall, during his 40-plus years as a party member, “the attitude within both the LPM and the national LP has been that the power of the delegates in convention is supreme, and as the body selecting the judicial committee, was not subject to its decisions.” In support of that assertion, Mr. Hall notes that

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<sup>20</sup> *Robert’s Rules* § 23:3.

<sup>21</sup> *Id.*

<sup>22</sup> This interpretation not only follows from the ordinary meaning of the word “case,” but it is also crucial from the perspective of institutional design. The party could be thrown into chaos if members are allowed “appeal” previous actions months or even years after the fact on grounds that were available to and could have asserted by the member at the time the action was taken.

<sup>23</sup> Doster Video 38:00–40:05.

<sup>24</sup> With these credentials, there is no doubt that Mr. Hall is among the most qualified party members in the country to speak regarding the customs and practices of the state and national level judicial committees.

he is not aware of any previous appeal ever taken from a decision made at an LPM convention.

*Third*, the judicial committee exceeded its authority not only by opining on the questions presented by Mr. Chadderdon, but also by declaring its ruling to be self-executing. In other words, the remedy that the judicial committee announced (*i.e.*, reinstating the executive committee as it existed as of July 8) was outside the scope of the “judicial power” granted by the bylaws. This conclusion follows naturally from the fact that the judicial committee is – as its name indicates – merely a committee. Under *Robert’s Rules*, the basic function of a committee is to “report its findings or recommendations to the assembly.”<sup>25</sup> In certain circumstances, committees can exercise broader powers on behalf of the assembly, but only if authorized “on specific instructions.”<sup>26</sup>

Here, neither the LPM bylaws nor any referral from the assembly provided “specific instructions” that allow the judicial committee to issue self-executing decrees. In the absence of such instructions, the judicial committee’s proper role is to: (1) review the issue in question, (2) prepare a report explaining its recommended interpretation of the bylaws, and (3) submit the report either to the executive committee or the full membership of the party, as appropriate. This is consistent with the way judicial committee rulings have been treated in the past. According to Mr. Hall, the LPM’s judicial committee has historically understood that its rulings are not self-executing, and that instead “the delegates at the next LPM convention would be the ones to punish a recalcitrant LEC or LPM officer.” Similarly, Mr. Hall has indicated that at the national level, the national executive committee has previously declined to act on a recommendation of the national judicial committee, opting to continue with a course of conduct that the committee found to be in violation of the bylaws.

As a final point, separate and apart from the jurisdictional defects in the judicial committee’s ruling, its substantive arguments border on absurdity. As noted above, the linchpin of the committee’s ruling was that the July convention was a “special meeting” for purposes of *Robert’s Rules’* notice requirements. This is simply wrong. *Robert’s Rules* distinguishes between two primary types of meetings: regular meetings and special meetings. The term “regular meeting” refers to “the periodic business meeting of a permanent society,

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<sup>25</sup> *Robert’s Rules* § 50:4.

<sup>26</sup> *Id.*

local branch, or board, held at weekly, monthly quarterly, or similar intervals.”<sup>27</sup> The term “special meeting,” by contrast, refers to a meeting “convened only to consider one or more items of business specified in the call of the meeting.”<sup>28</sup>

As noted above, the July convention was a “candidate nominating convention” for purposes of the LPM bylaws. The bylaws specifically require that such conventions are held at regular intervals every two years on a date “after the filing deadline for candidates to appear on Michigan’s primary ballot and before the date of the primary.”<sup>29</sup> The fact that candidate nominating conventions are held at specified intervals unquestionably makes them “regular meetings” for purposes of *Robert’s Rules*. So does the party’s longstanding custom and practice of considering business at candidate nominating conventions other than merely nominating electoral candidates. The judicial committee’s ruling to the contrary defies any plausible reading of the party’s governing documents and is nothing more than a naked power grab by Mr. Chadderdon’s supporters.

For all the reasons stated above, the rightfully elected members of the executive committee have determined that the judicial committee’s ruling does not have any independent legal effect. Instead, the ruling is merely a recommendation that the members of the party may (or may not) choose to act on during the upcoming convention in Lansing on April 1. If Mr. Chadderdon believes that the ruling constitutes grounds for rescinding or reconsidering votes taken during the July convention, he is welcome to attend the convention in Lansing and introduce a motion to that effect.

Unless and until such a motion is approved by the full assembly at the Lansing convention, the actions taken at the July convention remain in full force, and the officers who were elected constitute the only legitimate LPM executive committee. As such, the rightfully elected members of the committee do not have any intention to relinquish access to the party’s bank account or to stop using the name Libertarian Party of Michigan, as you requested in your February 15 letter.<sup>30</sup> Further, the LPM executive committee demands that Mr. Chadderdon and the illegitimate board he assembled: (1) cease and desist claiming to

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<sup>27</sup> *Id.* § 9:1.

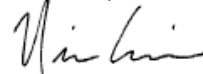
<sup>28</sup> *Id.* 9:13.

<sup>29</sup> Libertarian Party of Michigan Bylaws, art. VI, § 1.

<sup>30</sup> LPM’s right to continue using the name “Libertarian Party” is discussed more thoroughly in the attached letter to Libertarian National Committee Chair Angela McCardle.

represent LPM; (2) promptly restore access to LPM's social media and other digital accounts; and (3) cancel the so-called convention scheduled to take place in Wixom on April 1, at the same time as the legitimate convention in Lansing. If Mr. Chadderdon fails to satisfactorily respond to these requests within 14 days of the date of this letter, LPM will consider pursuing appropriate legal remedies.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Curcio". The signature is written in a cursive style with a large initial "N".

Nick Curcio