

From: bob@compulife.com
Sent: Sunday, December 18, 2022 11:09 AM
To: 'timo.gilliam@gmail.com'
Cc: 'Robert Barney'
Subject: FW: Hardin GOP Appeal
Attachments: 2022-12-13_Bob_Barney_letter_to_Chairman_Brown_RPK.pdf; 2022-12-16_17_57_email_from_Timothy_Gilliam_to_Bobbie_Coleman_Hardin_GOP_Appeal.pdf; 2022-12-05_Hardin_County_Appeal_by_Chair.pdf; 2022-07-27_minutes_Jessamine_County_Special_Meeting_censure_McConnell.pdf; 2022-07-22_21_56_email_Bob_Barney_email_to_Cheryl_Benitez_and_other_chairs_regarding_censure.pdf; 2022-08-29_13_40_email_Bob_Barney_email_to_Cheryl_Benitez_and_other_chairs_regarding_censure.pdf; 2022-07-22_21_56_jessaminevotes_com_McConnell_Censure.pdf

Mr. Gilliam,

I am in receipt of a copy of your email to Bobbie Coleman on December 16, 2022, at 5:57 EST. (a copy is attached).

I was previously provided a copy of the December 5, 2022 letter of Cheryl Benitez, James Weise, Rebecca Owen and Julie DuPlessis. (a copy is attached).

As a result of receiving the December 5th letter, I wrote a letter to Chairman J. McCauley Brown, Republican Party of Kentucky (a copy is attached) which was sent by certified mail on December 13, 2022. (a copy is attached). I have since received the signature card for the certified delivery of that letter.

I would urge you to read carefully my letter to Chairman Brown and to consult with the RPK before moving forward on this matter.

I am also attaching a copy of the minutes of a Special Meeting held by the Jessamine County Republican Party (JCRP) on July 20, 2022 in which I was elected spokesperson for the matter of the censure resolution of Mitch McConnell which was adopted by our county's Republican party on that day. I am also providing a copy of the censure resolution of Jessamine County, something I have personally brought to your attention and to the attention of Ms. Benitez twice by email. In that regard I am attaching copies of the two emails that I sent to you and Ms. Benitez, one on July 22, 2022 and the other on August 29, 2022. The one attached was to Ms. Benitez. If you need a copy of the same emails that were sent to you, please advise me.

As the December 5th "appeal" of Ms. Benitez et al is a challenge as to whether the Hardin County Republican party has the right to censure a Republican politician, and as the Hardin County Republican Party is one of only a number of Kentucky Republican county parties to censure Mitch McConnell for the same act, the Benitez et al complaint and your attempt to adjudicate that complaint has consequences far beyond Hardin County and the 2nd district. For that reason I respectfully request the opportunity to be heard on this matter in support of the majority of Hardin County who voted to censure Senator McConnell. Failure to provide me with such a hearing on this matter and/or any unfavorable decision taken by you will be the subject of a formal complaint by myself to the Republican Party of Kentucky and the full publication of this matter to the public. You can expect a press release following any unfavorable decision.

I urge you to first examine carefully whether or not this complaint is one where the 2nd District has any role or jurisdiction. Or as my mother used to say, "Don't go sticking your nose into someone else's business". Once again, please read carefully my letter to Chairman Brown. I strongly encourage you to consult with Chairman Brown before you place the neck of the Republican Party of Kentucky on the chopping block.

Rule 12.04, which is the basis of the complaint of Ms. Benitez et al, says:

Any dispute over the identity of an officer, outcome or validity of any election, or matter pertaining to the Rules and procedure of any Precinct Committee, County Committee, or District Committee shall be resolved in accordance with the following dispute resolution procedure:

Clearly the complaint is not about the identity of an officer or about an election. Therefore the complaint must fall under a "matter pertaining to the Rules and procedure of any Precinct Committee, County Committee". I fail to see how a censure can be the subject of any dispute over "Rules and procedure".

A simple word search of the RPK rules, as I explained to Chairman Brown, has no mention of the word censure; NONE! Nothing in the rules prohibits any group falling under the rules from adopting a censure resolution. Further, if you look at the common definition of the word censure, which I provided in my letter to Chairman Brown, none of the other words associated with the definition of a censure appear in the rules of the Republican Party of Kentucky prohibiting any Republican group from issuing a censure.

Ms. Benitez argues that Rule 4 describes the scope of the County Committee. She characterizes Rule 4 as the sum total of what a County Committee can do, and reasons that everything else not set out in that rule is what a County committee CANNOT do. There is NOTHING in Rule 4 that affirms the meaning that she is giving to it. Let me remind you of Amendment 10 of the Constitution of the United States which states:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I would argue it should be taken to be the exact opposite of Ms. Benitez reasoning. If there is nothing in the rules about it, there should be no prohibition against it. Further, it is a VERY liberal trick to read between the lines of rules and laws and find things that are not there. In my letter to Chairman Brown I said:

To now try to extrapolate such a rule from the current rules is like watching the Supreme Court finding a right to abortion in our Constitution (federal or state).

While Senator Mitch McConnell himself objected to the RNC censuring Liz Cheney and Adam Kinzinger over their involvement with the January 6th committee, I am not aware of any attempt by Senator McConnell to challenge the right of the RNC to adopt the censure or to have violated the rules. Did he file a formal complaint? Simply put, no rules or procedures have been violated, and this complaint by Ms. Benitez et al is invalid on the face of it.

To summarize, you are attempting to hear a complaint about a matter for which you have NO jurisdiction. Worse, you are contemplating making a decision as to whether the members of the Hardin County Republican party have the right, by majority vote, to speak officially as a party on a matter related to politics. I assume you do understand the plain meaning of the first amendment. Ms. Benitez refers to the first amendment in her letter. Why would she do that? Because she realizes that her challenge will be perceived as an attempt to violate the first amendment rights of the majority of her County party. Ms. Benitez is correct. That is and will be the perception of all who might learn of this. Do you really envision a situation where you would attempt to overturn the censure resolution of a County Party? Why would you even legitimize the notion that you could overturn such a decision by holding this hearing?

In the event you proceed with this hearing, I again ask to be given the opportunity to present evidence and make an oral argument. I have MANY more related documents that you need to consider on this matter.

In the event you proceed with this hearing I object to the fact that you will not let either party hear the comments of the other. Defendants should have the right to hear what their accusers say. How can "facts" or "evidence" be properly examined if there is no "cross examination" of those facts.

For example, Ms. Benitez says:

"there was no specific verbiage of the censure until a special meeting to consider the censure was held on Tuesday, November 29, 2022"

This follows the statement, that:

"The initial idea of censuring Senator McConnell came as a surprise to the leadership and passed with a majority vote (18-6) on August 8, 2022"

I find it very hard to imagine that Ms. Benitez was surprised by the "initial idea". Does she NOT read her emails? I again draw your attention to the email that I sent to Ms. Benitez (and yourself) on July 22nd. Was it such a surprise that other counties might take up this matter?

She then wants you to believe that there was no "verbiage" until a meeting was held on Tuesday, November 29th. Can Ms. Benitez explain how I was able to receive a copy of a censure resolution by Hardin County prior to that date, a document I published at my website censuremitch.com?

Where are the minutes of the meeting of August 8, 2022? Ms. Benitez says a vote was taken. What precisely was that vote taken on? She knows the number of votes, for and against. What was the actual motion that the county committee voted on? Where is the record of the discussion that took place after the motion? Why were those minutes not attached to the complaint of December 5th?

Once again, how can any evidence be examined without an opportunity for an opponent to cross examine the evidence?

Further, Ms. Benitez will be given 10 minutes to make a verbal presentation, and yet your procedure for the process means that NO ONE who opposes Ms. Benitez on this matter will be able hear what she says and therefore respond to what she say. I find this bewildering, and it will only serve to bring into serious question the propriety of any decision you might make as a result of this complaint, other than to dismiss the complaint as "crying over spilled milk".

Please advise me, as soon as possible, if you intend to proceed with this "hearing".

Please advise me, as soon as possible, if you intend to let me speak at the hearing, or to attend the hearing to at least "hear" what the parties say.

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