

AMICUS IN SUPPORT OF THE LNC'S DISAFFILIATION OF THE NEW HAMPSHIRE AFFILIATE
INTRODUCTION

The author of this Amicus is a Life member of the Libertarian Party, former Chair of LPNH, and former Life Member of LPNH – having resigned my LPNH Life Membership in September 2024.

RESPONDING TO APPELLANT'S CLAIMS

The LPNH appeal is severely flawed and relies heavily on the claim that the current LPNH Executive Committee is not the same as the EC that endorsed Donald Trump in 2024. While it is true that the EC membership is not the same, LPNH can not avoid punishment for violating the LNC Bylaws simply by replacing their Executive Committee.

LPNH's defense also fails to acknowledge that LPNH has used its social media accounts, primarily Twitter/X, to make posts over the last 5 years that are racist, homophobic, and otherwise in opposition to the Libertarian Party Platform, and the current Chair of LPNH, Jeremy Kauffman, openly bragged about making many of these posts. After one controversial post, Mr. Kauffman responded to criticism with "My objectives here are probably different than yours."¹

More recently, LPNH has used its social media accounts, primarily Twitter/X, to promote Republican candidates for public office. While this action does not rise to the level of a full endorsement – and there are currently no LPNH candidates running for office in NH – such action is highly inappropriate and is more evidence to a continuing list of improper behaviour by the Libertarian Party of New Hampshire.

Secondarily, LPNH alleges the disaffiliation vote was invalid because the vote was made without a formal hearing and without notice and opportunity to present a defense. Neither the LNC Bylaws nor Robert's Rules of Order require such a process. Unlike a criminal trial or deportation hearing, a vote of disaffiliation is closer in type to impeachment where a formal hearing happens after the vote, in the case of impeachment before the US Senate and in the case of disaffiliation before the Judicial Committee.

It is the Delegates – should there be enough support to do so, not the Judicial Committee – that must amend the Bylaws to implement a requirement for a formal hearing prior to any future motions to disaffiliate a rogue affiliate.

Finally, LPNH cites the Restatement (Second) of Contracts as a binding authority over the affiliation agreement between LNC and LPNH, specifically the duty of good faith and fair dealing. This citation appears to be an attempt to claim "victim" in this action. Even *if* the Restatement (Second) of Contracts applied in this situation, the duty of good faith and fair dealing works both ways: LPNH has a duty to not violate the ~~terms of the contract~~ Bylaws in the same way the LNC has a duty to uphold the Bylaws.

CONCLUSION

The Judicial Committee should affirm the disaffiliation vote.

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1 <https://x.com/jeremykauffman/status/1402629260427341831>