

Filing cover & attestation

Petition #1 — (a) Suspension of an affiliate party

FILED BY

Nickolas Ciesielski is a lifetime member of the Party.

ATTESTATION

This amicus brief was filed by Nickolas Ciesielski on their own behalf, who is a lifetime member of the Party, and who adopts, incorporates, endorses, and accepts ownership of the material contained within as their own, has signed this document accordingly, and attests that it is accurate and not filed to harass, delay, or for any improper purpose.

Amicus Brief of Angela McArdle, former Libertarian National Committee Chair

LIBERTARIAN PARTY OF NEW HAMPSHIRE

PETITIONER

v.

LIBERTARIAN NATIONAL COMMITTEE

RESPONDENT

I am addressing the facts regarding the disaffiliation of the Libertarian Party of New Mexico. There have been comments made and briefs submitted that incorrectly compare the disaffiliation of LPNM to LPNH. The two situations were nothing alike.

The disaffiliation of the Libertarian Party of New Mexico (LPNM) was procedural, not ideological, and was only done after much debate on the LNC, hearing from LPNM members, and giving LPNM notice of what to cure and time to cure it.

Factual Background

In June 2021, less than a year before I took office, the LNC responded to a controversy regarding control of the LPNH affiliate by creating an ad hoc investigatory committee “the Dixon Committee” and tasked it with creating “a model of investigating internal issues not covered by the Judicial Committee, Bylaws, and Policy Manual.” The committee was directed to “report back to the LNC for a debriefing of the findings, recommendations, and final thoughts upon the investigation being determined complete by the committee.” The LNC committed itself to basic elements of due process regarding the internal affairs of an affiliate: investigation, examination of facts and evidence, findings, and conclusions. This was all applicable regarding the first disaffiliation motion directed towards LPNH, in 2021.

While there is no “case law” with the Judicial Committee, when I became LNC Chair in May of 2022, that motion and the Dixon Committee’s report were the LNC’s established model. Had the LNC sought to disaffiliate LPNM, we would have operated in the same way that the LNC operated regarding LPNH in 2021.

I noticed the September 11, 2022, motion for disaffiliation of the Libertarian Party of New Mexico based on the following circumstances:

Prior to the national convention of 2022, longtime LPNM members, such as Elisheva Levin (members who were not associated with the Mises Caucus at that time), complained that LPNM leadership had refused to hold legitimate state conventions for the past 3 or 4 years. They alleged that members were not given notice and were not allowed to participate in convention business.

Prior to becoming chair in 2022, I opposed disaffiliating New Mexico, or any other state affiliate. I expressed that I wanted to find a resolution to the conflict that LPNM alleged to have with the new/incoming LNC. I recall discussing this matter, and other matters, with Chris Luchini at the 2022 convention, but we did not reach a resolution.

During the summer of 2022, complaints about LPNM's invalid conventions (most recently a July convention) were raised to the LNC and meetings were held regarding this issue.

At the LNC's July 23, 2022 special meeting, some LNC members argued that we had no proper standing to make judgments about a state affiliate's internal governance policies or internal disputes and that intervening would create a cascading effect of multiple interventions and legal actions. Other LNC members raised the point that if states were allowed to disregard their own bylaws and block valid members based on ideological or social club metrics, the state affiliates would descend into chaos. Multiple questions were raised regarding ballot access and who would be on the LPNM ballot as the presidential candidate in 2024, how we would handle convention delegates for New Mexico, and other complications. Many issues were discussed and the matter of disaffiliation was not taken lightly.

On August 9, 2022, I sent LPNM a letter explaining why its July 12 convention was illegal and how it had violated the rights of LPNM's own members. LPNM answered on August 17 and demanded the LNC rescind the letter. I sent a further response and rebuttal on August 21.

By this time, LPNM's Chair had acknowledged that its January 2022 convention was invalid for lack of proper notice, and that its July 12th convention had been deemed invalid by the LNC and by multiple parliamentarians. I listened in on part of the meeting where the chair acknowledged “we are so fucked” regarding his failure to give proper notice and allow all members to participate.

Nevertheless, we bent over backwards to try to bring LPNM back into compliance and keep them as an affiliate.

LPNM received written notice of their impropriety more than a month before the vote. The notice described in detail how their bylaws violations could be remedied and the letter prioritized resolution over disaffiliation.

The LNC Did Not Take The First Step to Disaffiliate LPNM; LPNM “Disaffiliated” Itself

LPNM declined to resolve its bylaws violations and on August 25 and 26, 2022, the LPNM board resolved that it was disaffiliating from the LNC. Mr. Luchini declared that the national party “has no power over LPNM” and dismissed the LNC’s continued recognition of LPNM. When the LNC voted on September 11, 2022, by a roll call of 14–1 with two abstentions, it was not imposing discipline on an affiliate contesting its status. It was 1) completing LPNM’s disaffiliation in the proper manner so that we would not have a lingering bylaws controversy, and 2) protecting its

name and trademark for legal purposes, ballot access purposes, convention purposes, etc. This was explained during the meeting: as one LNC member put it, LPNM “wanted disaffiliation, and we should give it to them.” As much as we disliked the outcome, LPNM had made it abundantly clear that they would not work with us in any capacity. Nothing about that vote changed the due process owed to an affiliate that contested disaffiliation and wished to remain in the Party.

Technicalities Explained

The LNC concluded that LPNM did not have the authority to disaffiliate from the national party according to the national party’s bylaws (which do govern some activities of affiliates), and that the LPNM executive committee had acted without the authority of its members.

That conclusion is spelled out in the motion, which states, "violating procedure and member rights (e.g., holding multiple illegal conventions with deficient notice and exclusion of members from attendance, and attempting to disaffiliate without the authority of its members assembled in convention)."

Regardless of LPNM’s intentions, LPNM remained the affiliate because it had no meaningful way to disaffiliate according to the national party’s bylaws and also because its members did not consent to this disaffiliation because the executive committee who resolved to disaffiliate was not properly elected.

The latter half of the disaffiliation motion speaks to consequences of LPNM’s failure to resolve its bylaws violations, directing the Executive Committee "to take actions necessary to begin trademark protection on our name and symbols and consider other legal action recommended by LNC counsel." It was not a punishment. It was a protective measure.

New Mexico's disaffiliation motion concerned trademark protection and counsel's advice. New Hampshire's disaffiliation motion concerned readmission of a future organization "that shares our Party's foundational values." The first concerns legal issues, national convention delegates, ballot access and presidential candidacy; the second is ideological and punitive.

As many predicted, the disaffiliation of New Mexico resulted in a costly legal battle and costly ballot access drive. The costs will ultimately exceed \$100,000 to the LNC. It is best not to repeat this scenario again.

Was Notice And Opportunity To Cure Required?

Yes. Everyone on the LNC believed notice was required and that LPNM must be given a chance to come back into compliance with their bylaws. To my knowledge, LPNH has never received a notice telling them they must withdraw their endorsement of Donald Trump or that a specific message on social media is a bylaws violation and must be taken down or repudiated.

Is Disaffiliation Disciplinary In Nature?

Yes. Outside of the unusual circumstances with LPNM, it is disciplinary in nature. This is common knowledge.

To Avoid A Disciplinary Hearing, The LNC Repeatedly Engaged LPNM Before LPNM Chose to Escalate

Although the LNC was not pursuing disaffiliation against LPNM, I nonetheless sent multiple letters and communications to LPNM engaging its officers on the concerns that could have warranted disciplinary action. The LNC took the matter up across multiple public meetings rather than acting in haste. As I noted on the record on September 11, 2022, the motion had been “workshopped by many LNC meetings” and we had “avoided being hasty.” The LNC also attempted to poll New Mexico members about the situation. LPNM stopped responding to the LNC’s communications. At every step, it was LPNM, not the LNC, that unilaterally chose to escalate the matter to disaffiliation.

The Contrast with LPNH Refutes, Rather than Supports, the LNC’s Current Position

In the case of this disaffiliation, the sequence of events is reversed. LPNH never received any notice from the LNC seeking to discuss concerns relating to the November 2024 Trump endorsement—or anything else—and was never given an opportunity to cure. There were no letters. There was no exchange of communications. There was no series of meetings in which a motion was workshopped and haste avoided. LPNH did not attempt to disaffiliate itself. Instead, the LNC, not LPNH, unilaterally and suddenly initiated disaffiliation, without any advanced notice or explanation of what it did wrong, other than the Trump endorsement, without an opportunity to respond, and without evidence or witness testimony.

Rules For Me But Not For Thee

LPKO was recently in hot water for placing Robert F. Kennedy Jr. on the ballot as its presidential candidate. LPWY has not held a valid convention in at least 4 years and has refused to cooperate with the LNC for at least 4 years. Neither of these affiliates have received notice of disaffiliation.

If ideological tests are going to be applied, this will likely be the first in a series of many purges. All of the disputes will come back to the JC before they go to the courts. It is the best thing for the party to resolve things internally and avoid additional lawsuits, administrative hearings, and ballot access drives.