

IN THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

In RE: Revocation of Affiliate Status of the Libertarian Party of New Hampshire

Brief of Amicus Curiae in Support of the Libertarian National Committee's May 25, 2026, Decision and in Opposition to the Petition for Review and Reversal

I. Statement of Interest

Amicus submits this brief to assist the Judicial Committee in preserving the Libertarian Party's institutional integrity, electoral viability, and capacity for coherent national governance.

The National Committee's decision to revoke recognition of an affiliate whose official conduct included a direct violation of Article 5, Section 4 and a sustained pattern of publicly damaging official messaging was a lawful exercise of authority under the Party's Bylaws.

Amicus has no personal or financial stake in the outcome but does have a substantial interest in ensuring that the Party's governing documents are interpreted in a manner that preserves both accountability and the Party's practical ability to protect its name, ballot line, and public standing.

II. Summary of Argument

The Petitioner does not meaningfully dispute the existence of the central facts before the Libertarian National Committee (LNC): the 2024 endorsement occurred, it was made in the affiliate's official capacity, and it formed part of a broader public record of messaging the LNC could reasonably view as incompatible with continued affiliation.

Instead, the Petitioner advances three theories: first, that later leadership changes cleanse the affiliate of responsibility for earlier official acts; second, that Article 5, Section 6 required an investigatory committee or quasi-trial before the LNC could act; and third, that the LNC could not rely on the broader public record unless each item had been separately reduced to a formal bill of particulars.

Each theory fails. An affiliate is a continuing entity, not a temporary collection of officers, and voluntary associations routinely treat official acts as attributable to the organization rather than erasable through electoral turnover. The phrase "for cause" in Article 5, Section 6 does not silently import the full mechanics of judicial process into party governance, particularly where the Bylaws themselves do not specify those procedures and the LNC acted in open session on a public record.

And because the question before the LNC was whether continued affiliation remained consistent with the interests and reputation of the national Party, the LNC was entitled to consider the affiliate's widely known official conduct rather than pretending the 2024 endorsement occurred in isolation.

These errors all stem from treating an external affiliation decision as if it were internal member discipline. This Committee should decline the invitation to micromanage the LNC's political judgment and should affirm the disaffiliation.

III. Argument

A. The affiliate remains responsible for its own official acts despite changes in officers

The Petitioner's central premise is that the November 2024 endorsement should be discounted because the officers responsible for that action no longer hold the same positions.

That premise is incompatible with Article 5, Section 4's language, a proper prohibition of affiliate parties endorsing opposition candidates. It is an institutional prohibition applied equally.

The Petitioner's contrary theory would make enforcement of Article 5, Section 4 largely illusory. If an affiliate violates the Bylaws, replaces its officers, and insists that the violation has become juridically irrelevant, the national Party will have no meaningful way to enforce the rule. It is merely an attempt at desperation by an affiliate to evade accountability through ordinary turnover. That reading would not merely soften the rule; it would nullify it in practice.

The law governing voluntary associations points in the same direction. Courts commonly describe the constitution and bylaws of a voluntary association as a contract that defines rights, duties, and institutional powers.

The Petitioner itself cites *Polin v. Kaplan* for that proposition, and the principle cuts against, not in favor of, the Petitioner's position: an organization is bound by its own official acts and by the powers allocated in its governing rules.

Likewise, *Campbell v. Loew's, Inc.* reflects the basic point that procedural fairness matters when removal is expressly for cause. However, it does not suggest that a corporation or association ceases to be answerable for an official act due to later personnel changes.

Voluntary-association doctrine is also deferential to internal governance decisions made under an organization's own rules, especially where the dispute concerns political or associational judgment rather than deprivation of property by state action.

That is especially true here, where the question is whether a national political party must continue recognizing a state affiliate that, by the affiliate's own minutes and public record, officially endorsed Donald Trump in 2024 in violation of Article 5, Section 4.

B. Article 5, Section 6 does not require a formal trial or investigatory committee in every case

The Petitioner argues that "for cause" required a confidential investigation, formal charges, notice, and a trial-like process drawn from the disciplinary discussion in Robert's Rules of Order (RONR). That argument overreads both the Bylaws and RONR.

Article 5, Section 6 says the LNC may revoke affiliate status for cause and provides an appeal to this Committee, but it does not prescribe a mandatory investigatory committee, trial committee, or evidentiary hearing before the LNC may act.

Where governing documents enumerate power and create appellate review without specifying the detailed procedure Petitioner demands, the better reading is that the organization retains discretion to use reasonable procedures suited to the decision at hand, particularly when the decision concerns recognition of an affiliate rather than discipline of an individual member or officer.

RONR does not compel a different result. The very passage quoted by the Petitioner acknowledges that most ordinary societies will rarely hold formal trials and that disciplinary procedures should be tailored to organizational needs.

Here, the LNC met in open session, debated the motion, referenced both the endorsement and the affiliate's broader official conduct, and issued written notice afterward. That process may not resemble civil litigation, but nothing in the Bylaws requires it to do so.

The Petitioner's reliance on the Judicial Committee's 2024 decision in *Phillies v. LNC* also does not carry the weight placed on it. Even as described by the Petition, that decision treated RONR as supplying a minimum behavioral baseline when a bylaw used the phrase "for cause" without further definition.

It did not hold that every exercise of “for cause” authority in every institutional context requires the same full set of trial procedures, regardless of the type of office, entity, or decision involved. Suspension of an officer and revocation of affiliate status are not identical governance problems, and this Committee should resist reading one context as mechanically controlling the other.

Nor does the 2021 Dixon Committee precedent become a universal constitutional requirement merely because it was once used. By the Petitioner’s own description, the Dixon model emerged from allegations of LNC interference in an internal state-party matter. That was rather a fact-specific response to a fact-specific controversy, not an amendment to Article 5, Section 6. To transform it into a mandatory prerequisite for every future affiliate disaffiliation would amount to adding language to the Bylaws that the membership never adopted.

C. The public record provided ample cause beyond the single endorsement

The Petitioner attempts to cabin this case to a single question: whether the 2024 Trump endorsement alone justified disaffiliation. But the LNC’s motion did not describe only the endorsement; it also referred to repeated official-level anti-Libertarian positions, and the record available to the LNC included years of public messaging and controversy surrounding the affiliate’s official channels.

An organization charged with protecting its own name and affiliations need not behave as if it were blind to facts that are public, notorious, and directly relevant to reputational harm. The LNC was entitled to consider the overall course of official conduct bearing on whether continued affiliation was tenable. The Petitioner’s demand for a fully itemized charge sheet cataloging every post, statement, or controversy mistakes appellate review for criminal pleading.

The case authorities that the Petitioner cites do not compel such rigidity. *Polin* stands for the proposition that expulsions outside the powers granted by bylaws may be set aside, but here the LNC acted under an express grant of power in Article 5, Section 6.

The remaining dispute is not whether the LNC had any authority to act, but whether the record before it could constitute cause. Given the acknowledged violation of Article 5, Section 4 and the additional public controversies tied to official affiliate messaging, the answer is yes.

This Committee should also be cautious about adopting a rule that would require the LNC to ignore context unless every contextual fact has been separately enumerated in exhaustive detail before a vote. Such a rule would encourage procedural gamesmanship, reward affiliates creating sprawling public controversies through repeated provocations, and make it materially harder for the national Party to protect itself from ongoing reputational injury.

D. Media and brand impact are proper considerations in evaluating cause

The Petitioner understates the practical stakes of continued affiliation. This was not a dispute over a private internal disagreement that never escaped party channels; it involved official statements and official branding that were publicly attributed to the Libertarian Party of New Hampshire and, by ordinary readers, associated with the Libertarian Party more broadly.

The LNC confronted not merely doctrinal disagreement but ongoing brand damage, voter confusion, and demoralization among members who expect a serious national political organization. Those concerns are not extraneous to Article 5, Section 6.

A national party's decision whether to continue recognizing an affiliate necessarily includes the judgment whether the affiliate's public conduct is compatible with the national Party's reputation, message discipline, and electoral credibility.

That is particularly true in a modern media environment in which affiliate posts can circulate nationally within minutes, are routinely detached from internal context, and are often reported as representative of the larger party brand.

When an affiliate repeatedly generates national coverage for inflammatory official messaging, the damage is not confined to the affiliate's state borders. It affects candidate recruitment, donor confidence, coalition-building, ballot-access efforts, and the public's baseline understanding of

what the Party stands for. This reputational damage would bleed over into the other 49 state affiliates, as well as the territorial affiliate based in the District of Columbia.

The Judicial Committee need not decide whether every controversial post was correctly interpreted by outside observers. The relevant point is narrower and more institutional: the LNC was entitled to conclude that the cumulative public effect of the affiliate's official communications had become materially harmful to the national Party's public identity. Once that judgment is understood as part of the "for cause" analysis, the Petitioner's insistence on treating the case as a sterile dispute over one endorsement becomes unpersuasive.

E. The requested relief would prolong rather than cure the identified harm

The fallback request for a Dixon-style committee would not materially clarify the core facts already before this Committee. The 2024 endorsement is acknowledged, the public record of official messaging exists, and the LNC's deliberations were conducted openly and recorded. The practical effect of an additional committee would therefore be delay, not clarification.

That delay is not neutral. If the LNC concluded that continued affiliation itself was causing reputational and electoral harm, then preserving the status quo pending a duplicative inquiry would effectively disable the LNC from mitigating the very injury Article 5, Section 6 allows it to address.

Appellate review should test whether the LNC acted within its authority and on a sufficient basis, not require the national Party to remain publicly tethered to an affiliate while repetitive procedures unfold.

F. National party practice and the distinction between discipline and disaffiliation

National political parties routinely assert control over which state organizations and delegations they recognize when state-level conduct or rules clash with national standards.

In *Cousins v. Wigoda*, the Supreme Court affirmed that a national party's choice of delegates under its own rules could not be displaced by state election codes, recognizing the primacy of national-party guidelines in questions of recognition and representation.

Combined with prior practice with the disaffiliation of the New Mexico and Virginia state affiliates in 2022, these examples show that the LNC's decision to disaffiliate an affiliate is justified for whose official conduct it judged intolerable is squarely within mainstream national-party practice and judicially recognized associational autonomy.

The Petitioner repeatedly treats Article 5, Section 6 disaffiliation as if it were indistinguishable from internal discipline of individual officers, invoking Robert's Rules trial procedures, *Phillies v. LNC*, and the Dixon Committee model. That framing is mistaken.

Internal discipline addresses the status of members and officers inside the Party—censure, suspension, or removal from offices they already hold. Disaffiliation, by contrast, addresses whether an external juridical entity continues to be recognized as the Libertarian Party's affiliate in each jurisdiction and may use its name and logo. Article 5, Section 6 resides in the portion of the bylaws governing affiliate relationships and expressly authorizes the LNC to revoke that recognition "for cause."

Because disaffiliation is a recognition decision rather than an internal member sanction, the Dixon Committee's investigatory model and the RONR trial framework do not automatically apply in full. The LNC was obligated to act within its granted powers on a reasoned assessment of cause, not to replicate a formal trial on every item of public affiliate misconduct.

Treating disaffiliation as internal discipline would collapse this important distinction and effectively deprive the national Party of a practical tool for protecting its own name and ballot line from the official actions of separate state organizations.

IV. Conclusion

The Petitioner asks this Committee to adopt three propositions not found in the Bylaws: 1) that leadership turnover erases institutional violations, 2) that Article 5, Section 6 silently mandates a Dixon-style investigation or trial-like process in every case, and 3) that the LNC must ignore notorious public conduct unless it first compiles an exhaustive bill of particulars.

None of those propositions is supported by the governing text or by the limited authorities the Petition invokes.

The better reading is the straightforward one. The LNC possessed express authority to revoke affiliate status for cause; it relied on an undisputed Article 5, Section 4 violation together with a broader public course of official conduct, and it acted through an open deliberative process adequate to the needs of a voluntary political association.

In a voluntary political association whose members have expressly vested affiliation authority in the LNC, this Committee should be reluctant to substitute its own political judgment for that of the elected National Committee absent a clear violation of the Bylaws—and none is present here.

Because the decision fell within the LNC's lawful authority and rested on a sufficient record, the Judicial Committee should affirm the disaffiliation and deny the Petition in its entirety.

Respectfully submitted,

Jake Leonard

July 3, 2026