

Filing cover & attestation

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

FILED BY

Jonathan Jacobs is a sustaining member through 09/10/2026.

ATTESTATION

This amicus brief was filed by Jonathan Jacobs on their own behalf, who is a sustaining member through 09/10/2026, 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.

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

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

BRIEF OF AMICUS CURIAE JONATHAN M. JACOBS IN SUPPORT OF PETITIONER, IN PART

I. Identity and Interest of Amicus

The amicus is a sustaining member of the Libertarian Party under Article 4, Section 4 of the Bylaws, and submits this brief in my personal capacity under Rule 7.1 of the Committee's Rules of Appellate Procedure.

In addition, the amicus is a professional parliamentarian who has advised the Libertarian National Committee (LNC) on disciplinary action, help the LNC draft its current disciplinary rules for LNC members, which was cited by the respondent, and was the principle representative of the LNC before the Libertarian Party Judicial Committee (LPCJ) in *Kosin vs. LNC*, 2025. He has also written peer edited and peer reviewed articles which deal with disciplinary actions in general, and in some case with those of the Libertarian Party specifically; several of those have been cited in several prior LPJC cases.

The amicus interest, as a member, is to see that the rules are obeyed. That would be his interest as a parliamentarian as well. Today, both interests are congruous.

The amicus served as the parliamentarian for several affiliate conventions, and has provided parliamentary opinions to affiliates. He is not currently retained by any affiliate, though he has previously served as the convention parliamentarian for the Libertarian Party of New Hampshire (LPNH).

In the interests of full disclosure, the amicus is retained by the Mises Caucus to provide parliamentary advice to them, but as part of retainer agreement he may exercise his “rights as a member of the National Libertarian Party or of any state affiliate of the Libertarian Party to which he may belong.” He exercises that option with this amicus brief. It should not be considered to represent the opinions of that Caucus (which should be clear from the text).

This amicus filing is uncompensated.

II Argument Summary

The amicus has concluded that the LNC has violated the Bylaws and that the petition of the LPNH should be GRANTED. He feels that some of the arguments may by the LPNH counsel, , are wrong. If there were an option for “A pox on both your houses,” the amicus would have taken it.

A third point will be the LPNH to, “reserve its right to challenge the manner in which the present Judicial Committee was formed.” The amicus also reserves his right to challenge the manner in which the present LPJC was formed and the validity of its actions.

III Discussion

This amicus brief will look at the arguments made by the Mr. Ian B. Huyett, Esq, et al., for the petitioner, and then at the arguments of Mr. Jonathan McGee, et al. for the LNC.

Huyett, et al. Claims

“Nobody expects the Spanish Inquisition!” - - Monty Python, 1970

Mr. Huyett has the claimed that the Jarvis Resolution of 6/19/21 creates a rule that covers investigation. The motion in question is a long resolution that begins, “The LNC shall appoint three members to lead an ad hoc investigative committee which shall provide an independent and thorough investigation into the events which lead to the splintering of the Libertarian Party of New Hampshire affiliate.” As Mr. McGee correctly noted this does not establish a rule. It was not offered as an amendment to either a standing or special rules of the LNC, included in the Policy Manual.

However, let us assume for a few seconds that the Mr. McGee and the amicus are wrong on this point and that the Jarvis Resolution is binding. The Jarvis Resolution exempts certain actions; it states that it covers that it, “set forth a model of investigating internal issue not covered by the Judicial Committee, Bylaws, and Policy Manual.” Disaffiliation is clearly covered in the Bylaws; even if the Jarvis Resolution established a rule requiring an investigating committee, it would not require one for disaffiliation.

The second point relates to the requirement of the parliamentary authority, *Robert’s Rules of Order Newly Revised*, 12 edition (RONR)¹, for disciplinary action. RONR is very clear that this applies to members, in some cases, to officers (63:1); the latter was noted, correctly by Ms. Harlos in Harlos I. State affiliates are not classified as either members or officers under the Bylaws (Articles 4.1 and 4.4, and 6.1, respectively). There is a due process requirement, but it is the due process described in Article 5.6 of the Bylaws². Action must be adopted by a properly constituted LNC and may be appealed to a properly constituted LPJC, but the RONR disciplinary requirements need not be followed³.

The third point relates to the change in leadership of the LPNH. It is very true that none of the officers who voted to endorse Trump remain; however that fact does not change the actions of the assembly. The endorsement is an (original) main motion. Main motions remain in effect unless there is a specific limitation placed in the motion itself. RONR notes (10:26, 4) n3) that, “Unless an adopted main motion specifies a time for the termination of its effect, it continues in force until it is rescinded.”

LNC Claim: The Trump Endorsement

The line quoted above is worth repeating, “Unless an adopted main motion specifies a time for the termination of its effect, it continues in force until it is rescinded.” On 6/4/26, 19 months after the Trump endorsement was adopted, it was repudiated, i.e. rescinded. It no longer exists and that ground for disaffiliation is moot.

Mr. McGee has claimed that LNC followed the process used in the 2022 disaffiliation of the Libertarian Party of New Mexico (LPNM). That claim is false. On 8/9/22, more than a

month prior to the disaffiliation, the LNC sent a letter to the LPMN, outlining the problems⁴. There were several meetings prior to this letter, discussing the problem. These were all public and are archived on Lpedia. Mr. McGee failed to perform due diligence in this case.

As the New Mexico situation is well known in the Party, and has been in the news as it is in litigation, the LPNH could have expected some similar to a warning letter. Instead, for more than 18 months, the LNC does not appear to have ever mentioned the endorsement. The LNC did not conform to its past practice and the LPNH may have reasonably relied on that practice, i.e. it may be the promise of promissory estoppel.

In part, this becomes a question of fairness, in the circumstance. The endorsement was adopted on 11/4/24, sometime after 7:01 PM⁵. That is less 24 hours prior to the polls closing; the election ended in New Hampshire when the Electors cast their votes on 12/17/24. The LNC appeared to not even discuss this action for 18 months. It is fair to conclude that the LPNH regarded the endorsement as water under the bridge, not a current issue. That explains why it was not rescinded earlier.

The Trump endorsement, at the time of this filing, does not exist; at this point, there is no violation of the LP Bylaws in that regard, and there is no cause here to disaffiliate.

LNC Claim: Undermining and Espousing

The LNC violated Article 5.6 of the Bylaws by failing to adopt, “A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation.” The motion to disaffiliate states “they have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions,” yet at no point did $\frac{3}{4}$ of the LNC say what those things are. For the LPNH to exercise its right to a defense, it must know what $\frac{3}{4}$ of the LNC feels violates the Bylaws. For the LPJC to know if the claims are valid, they must know what $\frac{3}{4}$ of the LNC considers the violation.

The word “specify” has a definition within the English language. It means, according to Merriam Webster⁶ “1: to name or state explicitly or in detail” and “2: to include as an item in a specification.” A more legalistic definition, from *Black’s Law Dictionary* (6th edition),⁷ is, “to mention specifically; to state in full and explicit terms; to point out; to state precisely or in detail; to particularize; or to distinguish by words on thing from another (p. 1399).” The LNC has failed to specify what actions are the causes for this second compound claim. They will need to specify those actions by a $\frac{3}{4}$ vote of the entire LNC.

To add to this, the disaffiliation clause states “Be it Resolved that because of these reasons and more, the Libertarian National Committee moves to disaffiliate the Libertarian Party of New Hampshire ... [emphasis added].” The “and more” is obviously not specific and is illustrative of a shoddy and needlessly rushed action of the LNC.

Mr. McGee cited, correctly, that grounds for disciplinary action under RONR, may be broad, and has extended this to disaffiliation. The amicus agrees that the may be broad charges in disaffiliation. RONR also notes that “specifications,” i.e. “what the accused is alleged to have done (63:24),” are required. RONR notes that if the subject is not found to have done the specific acts, i.e. is adopted, the charge is ignored (63:33, e).” Note the similarities seen with the definition of the word “specify.”

The amicus will note that in actual LNC filing, Mr. McGee cited two social media posts. Neither was from the LPNH, but from the personal social media of current LPNH chair, Jeremy Kauffman; Mr. Jeremy was not the chair at the time. The first one, Exhibit C of the LNC filing, was made on 10/24/24, before Mr. Kauffman was named “interim secretary” of the LPNH. The second, Exhibit D, occurred on the same day as Mr. Kauffman’s appointment, but refers to comments made prior to the LP 2024 Convention, prior to nomination of a presidential candidate. While this may show a bias of Mr. McGee towards Mr. Kauffman, they do not illustrate anything about the LPNH. There is, of course, no way to know if either was one that $\frac{3}{4}$ of the LNC thought was improper.

Composition of the Judicial Committee

Ms. Harlos, in her first filing, claimed that at the 2026 Convention that the chair, “ruled that the rules provided that there would be only one round of voting and that those two (2) elected members would select the remaining members. That ruling was appealed from by delegates and subsequently sustained.” While she noted that she had relied on her memory, her memory is faulty. The chair refused to put the properly stated appeal, falsely claiming it was “dilatatory.” There is extant recording⁸ of this meeting; the amicus reviewed this specific incident on 6/7/26 for another matter. Ms. Harlos failed to exercise due diligence in making her claim.

Ms. Harlos also stated, “Once the convention adjourned sine die, that was the decision of the delegates.” That is also false, as a matter of procedure. While RONR would not permit an outside body, internal to the society, without a specific bylaw authorization, the voting body may (46:50). Any breach of a continuing nature in the formation of the LPJC may be dealt with by the 2028 and 2030 conventions. Likewise, the actions of the now putative LPJC would be subject to a point of order.

The breach of a continuing nature would be the failure enforce the rules on demand (23:3) and a violation of the right to vote (23:7). Any action as a result may be void. It would be the tainted fruit of a poison tree.

There is some precedent for this in the voiding of Ms. Harlos’s removal as secretary in the 2022 Convention. A peer edited article was published of this in 2023 and was posted on the LNC list⁹.

Note however, that despite claims in the brief filed by Mr. Roos, the LPJC was not granted the authority to correct the mistakes of the convention chair as per RONR 46:50.

Conclusion

The Trump endorsement is no longer in force; it has been repudiated by the LPNH.

The claim of “undermining and espousing” was not specified as required in the Bylaws. There can be no determination that $\frac{3}{4}$ of the LNC believes that a series of social media posts, or even a single post, constitutes grounds for removal.

The amicus encourages the GRANTING of the petition of the LPNH.

Respectfully Submitted,

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Jonathan M. Jacobs

Bylaw Sustaining Member

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End Notes

¹ Robert, Henry M., Robert's Rules of Order Newly Revised (12th Edition). Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, and Shmuel Gerber, (New York: Public Affairs: 2020).

Established in Article 16 of the Bylaws.

² While Mr. McGee in his LNC filing characterized disaffiliation as “de facto a motion to rescind,” it is not. A motion to rescind, in all other cases, may be adopted by the vote of the majority of the entire membership, does not require “cause,” and could be appealed only under the auspices of Article 7.12, i.e. 1% of the members or 10% of the delegates at the last convention.

The disaffiliation appeal is part of the due process for an affiliate.

³ Nothing would prevent the LNC from appointing a committee to investigate the matter and draft an appropriate resolution. There is evidence that it was unwise for the LNC to have proceeded without forming such a committee.

⁴ https://mywikis-wiki-media.s3.us-central-1.amazonaws.com/lpedia/NM_2022-08-09_LNC-letter.pdf

⁵ Exhibit 1 Note the start and finish times.

⁶ “Specify.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/specify>. Accessed 4 Aug. 2026

⁷ Nolan, Joseph R., and Jacqueline M. Nolan-Haley, Black's Law Dictionary, 6th edition. St. Paul: West, 1990.

⁸ <https://www.youtube.com/watch?v=Yetxc4Ke4vs&t=8102s>

⁹ Jacobs, Jonathan M. “Pascal’s Wager and the Continuing Breach,” Parliamentary Journal, August 2023, pp. 20-27 <https://groups.google.com/a/lp.org/g/lnc-business/c/i02z3tjIKmo>

Exhibit 1

November 2024 LPNH EC Meeting Minutes

November 4th, 2024. Meeting conducted via Zoom.

In attendance:

Interim Chair Ryan Bloodworth

VC Nick Hubbard

Treasurer Zephan Wood

At-Large Reinita Susman

At-Large Matthew Fletcher

Interim Chair Bloodworth called the meeting to order at 7:01 PM.

Reinita motioned to approved the prior minutes. Zephan seconded. Approved unanimously.

Officer reports were offered as follows: 1) Interim Chair Bloodworth reported the website was finally updated with all minutes. 2) VC Hubbard had nothing to report 3) Treasurer, nothing to report, 4) At-Large Susman, nothing to report, 5) At-Large Fletcher, nothing to report.

No affiliate reports were available.

Reinita reported for the convention committee: She has confirmed a parliamentarian for February 20th.

No other committee reports were offered.

Old business: Interim Chair spoke about the lack of progress / interest in social media communications guidelines and offered to entertain a motion to set the matter aside for the next EC to address if they wish. At-Large Fletcher moved such. Treasurer Wood seconded. Passed without objection.

The Interim Chair spoke about the need to fill the office of Secretary. At-Large Susman motioned to appoint Jeremy Kauffman. Treasurer Wood seconded. Passed unanimously.

New business: The Interim Chair raised the topic of potentially endorsing Donald Trump for the

office of President of the United States. Lengthy discussion ensued following which Treasurer Wood moved to endorse and At-Large Susman seconded. Wood, Susman, Fletcher voted aye, Hubbard voted no. Motion carried.

The Interim Chair welcomed a motion to set the next meeting for Monday, December 2nd at 7:00 PM. At-Large Susman moved thus; At-Large Fletcher seconded. Carried unanimously.

Meeting was adjourned at 7:41 PM.

[Note the times of convening and adjourning]