

## Filing cover & attestation

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

FILED BY

**Nathan Madden is a lifetime member of the Party.**

ATTESTATION

This amicus brief was filed by Nathan Madden 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.

BEFORE THE JUDICIAL COMMITTEE  
OF THE LIBERTARIAN PARTY

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In re: Disaffiliation of the Libertarian Party of New Hampshire  
AMICUS CURIAE OF NATHAN GAGE MADDEN OF THE FREE STATE OF ARIZONA  
Filed in favor of appellee

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**I. INTEREST OF THE AMICUS**

1 I, Nathan Madden, am a Sustaining and Lifetime Member  
2 of the Libertarian Party at the national level and  
3 currently serve as the 2nd Vice-Chairman of the Arizona  
4 Libertarian Party (AZLP), a duly recognized state affiliate  
5 of the Libertarian Party.  
6

7 While I do not submit on behalf of my affiliate, as a  
8 state affiliate officer, I have an elevated interest in the  
9 proper resolution of this matter. While Judicial Committee  
10 rulings do not establish binding precedent (RONR 23:10),  
11 they carry persuasive weight on future matters of a similar  
12 nature, including any future dispute involving the  
13 relationship between the Libertarian National Committee and  
14 its state affiliates. The structural questions presented in  
15 this case directly implicate the governance framework under  
16 which all state affiliates, including the AZLP, operate.  
17

18 I submit this brief to assist the Judicial Committee  
19 by presenting an analytical framework derived exclusively  
20 from the three governing authorities: the Libertarian Party  
21 Bylaws, the LNC Policy Manual, and Robert's Rules of Order,  
22 Newly Revised, 12th Edition ("RONR"). I seek to clarify the  
23 structural relationships between these authorities as they  
24 bear on the Judicial Committee's adjudicative role.

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## II. SUMMARY OF ARGUMENT

25       The Judicial Committee faces a question of first  
26       impression regarding the scope of its review under Article  
27       5, §6 of the Bylaws. I submit that the answer is found not  
28       in either party's characterization, but in the structural  
29       architecture of the governing documents themselves. Three  
30       principles emerge:

31  
32       (1) The hierarchy of authority is fixed: Bylaws  
33       supersede the Policy Manual, which supersedes RONR (Art. 16;  
34       RONR §2).

35  
36       (2) The Judicial Committee's power is binary, affirm  
37       or reinstate, but necessarily implies evaluative authority  
38       over "cause."

39  
40       (3) The Judicial Committee's evaluation is constrained  
41       by structural limits that prevent it from either serving as  
42       a rubber stamp or acting as a legislative body.

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## III. THE HIERARCHY OF AUTHORITY

### A. Bylaws as Supreme Authority

43       Article 16 of the Bylaws designates Robert's Rules of  
44       Order, Newly Revised as the parliamentary authority "in all  
45       cases to which they are applicable and in which they are not  
46       inconsistent with these bylaws." This establishes an  
47       unambiguous hierarchy of authority:

48  
49       Tier 1: Bylaws (including Convention Rules adopted  
50       pursuant thereto)

51  
52       Tier 2: LNC Policy Manual (adopted by the LNC under  
53       its delegated authority pursuant to Art. 7)

54  
55       Tier 3: RONR (gap-filler only where Bylaws and Policy  
56       Manual are silent and RONR is not inconsistent)

### B. Implications for This Case

57       Where the Bylaws prescribe a specific procedure  
58       (Art. 5, §6), RONR's default procedures, including the  
59       trial framework of Chapter XX (§§61-63), do not override  
60       the Bylaws' own provisions. However, where the Bylaws are  
61       silent on a procedural detail, RONR's principles may inform  
62       interpretation as gap-fillers, not as mandatory  
63       requirements imposed upon the body.

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**IV. THE SELF-CONTAINED NATURE OF  
ARTICLE 5, §6**

A. What the Bylaws Expressly Require

64       Article 5, §6 prescribes exactly four elements for  
65       disaffiliation for cause:  
66  
67       (a) A vote of three-fourths (3/4) of the entire  
68             membership of the Libertarian National Committee;  
69  
70       (b) A motion specifying "the nature of the cause";  
71  
72       (c) The right of affected persons to appear and submit  
73             evidence and argument before the Judicial Committee;  
74  
75       (d) The Judicial Committee's binary determination:  
76             affirm the revocation or order reinstatement.

B. What the Bylaws Do Not Require

77       I note that the Bylaws are silent as to the following  
78       procedural elements, which silence is itself significant:  
79  
80       (a) Prior notice to the affiliate before the LNC vote;  
81  
82       (b) A pre-vote investigation or committee process;  
83  
84       (c) A formal trial before the LNC;  
85  
86       (d) A specific quantum or category of evidence to be  
87             presented to the LNC;  
88  
89       (e) Any particular definition of "cause."

C. The Significance of Silence

90       Under RONR §56:48-49, silence in bylaws on a  
91       procedural matter means the organization retains discretion.  
92       Silence does not mean the procedure is prohibited, nor does  
93       it mean an external default is mandatory. The LNC retains  
94       procedural flexibility on matters the Bylaws leave  
95       unaddressed.

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**V. THE JUDICIAL COMMITTEE'S EVALUATIVE  
AUTHORITY AND ITS LIMITS**

A. The Binary Power Implies Evaluation

96       The Judicial Committee must choose between affirming  
97       revocation and ordering reinstatement. This choice is  
98       meaningless without some evaluative standard. If the  
99       Committee must affirm in all cases regardless of  
100      circumstances, the appellate mechanism created by Art. 5, §6  
101      is surplusage, a result disfavored under principles of  
102      interpretation. See RONR §56:68 (providing that "every  
103      provision in the bylaws should be given its full effect"  
104      and that no interpretation should render any provision  
105      meaningless).

B. The Judicial Committee Cannot Define "Cause" Abstractly

106      I submit that the Judicial Committee's authority is  
107      case-specific and adjudicative, not legislative. Per RONR  
108      23:10, rulings of the chair, and by analogy, adjudicative  
109      determinations, are persuasive but do not establish binding  
110      precedent upon future bodies. Accordingly, the Judicial  
111      Committee cannot:

- 112      (a) Issue a universal definition of "cause" binding on  
113          future Libertarian National Committees;
- 114      (b) Create procedural requirements not found in the  
115          text of the Bylaws;
- 116      (c) Expand its own jurisdiction beyond the enumerated  
117          categories of Art. 8, §2;
- 118      (d) Grant relief beyond the binary options of affirming  
119          revocation or ordering reinstatement.

C. The Burden Framework

124      Article 5, §6 provides that affected persons "shall  
125      have the right to appear and submit evidence and argument"  
126      before the Judicial Committee. I submit that this structural  
127      choice places the burden on the appellant to demonstrate  
128      that reinstatement is warranted. The LNC's action carries a  
129      presumption of regularity, but a presumption is rebuttable,  
130      not absolute.

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**VI. THE POLICY MANUAL'S RELEVANCE  
AND LIMITS**

A. What the Policy Manual Addresses

131       The LNC Policy Manual (§1.07) establishes disciplinary  
132       procedures for LNC members and officers. These include  
133       escalating sanctions, warning, censure, suspension, and  
134       removal, with specific procedural protections including  
135       fourteen (14) days' notice, right to counsel, and right to  
136       present witnesses.

B. What the Policy Manual Does Not Address

137       I observe that the Policy Manual contains no parallel  
138       procedure for affiliate disaffiliation. This silence carries  
139       interpretive significance:

- 140
- 141       (a) It may indicate the Bylaws' Art. 5, §6 procedure  
142       is intentionally self-contained and requires no  
143       supplementation;
- 144
- 145       (b) It may indicate a gap that RONR principles could  
146       fill in the absence of specific direction;
- 147
- 148       (c) It does not indicate that the §1.07 member-  
149       discipline procedures apply by analogy to  
150       affiliates, as no textual basis supports such  
151       importation.

C. The Distinction Between Members and Affiliates

152       The Policy Manual's careful distinction between  
153       procedures applicable to individuals (§1.07) and the  
154       Bylaws' separate provision for affiliates (Art. 5, §6)  
155       demonstrates that these are intentionally different  
156       frameworks addressing different relationships. Importing the  
157       procedural requirements of one into the other requires  
158       affirmative textual support. No such support exists in any  
159       of the three governing authorities.

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## VII. RONR'S ROLE AS GAP-FILLER

### A. Where RONR Applies

160       RONR applies where the Bylaws and Policy Manual are  
161       silent AND the RONR provision is not inconsistent with the  
162       Bylaws' framework. I identify the following potentially  
163       applicable RONR principles:  
164  
165       (a) Good faith interpretation (§56:68), provisions  
166       should be interpreted to give effect to their  
167       apparent purpose;  
168  
169       (b) Presumption against absurd results, interpretations  
170       that render provisions meaningless are disfavored;  
171  
172       (c) Procedural fairness as a general principle, though  
173       not as a mandatory overlay on specific Bylaws  
174       procedures that prescribe their own framework.

### B. Where RONR Does Not Apply

175       I submit that RONR Chapter XX, §63 (Trials) does not  
176       apply to this matter because:  
177  
178       (a) Section 63 governs discipline of members of the  
179       organization, not organizational recognition  
180       decisions regarding subordinate bodies;  
181  
182       (b) The Bylaws prescribe their own procedure for  
183       disaffiliation, displacing RONR defaults pursuant  
184       to RONR §2 and Bylaws Art. 16;  
185  
186       (c) The Policy Manual's own trial-like procedures  
187       (§1.07) are explicitly limited to LNC members and  
188       officers, confirming the drafters' intent to  
189       distinguish between individual discipline and  
190       affiliate status determinations.

### C. The Notice Question Under RONR

191       I note that RONR's notice requirements for motions to  
192       Rescind (§35) are instructive but not controlling in this  
193       context:  
194  
195       (a) Without previous notice, a motion to Rescind  
196       requires a two-thirds (2/3) vote OR a vote of the  
197       majority of the entire membership;  
198  
199       (b) The LNC's recorded vote of 15-2-1 exceeded both  
200       thresholds (2/3 of those voting = 12);  
201  
202       (c) This suggests that even under RONR's own framework,  
203       the absence of prior notice to LPNH would not  
204       invalidate the action, though the Judicial  
205       Committee is not bound to apply this analysis as  
206       the Bylaws' own procedure governs.

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## VIII. PROPOSED ANALYTICAL FRAMEWORK

Based solely on the governing documents, I respectfully propose that the Judicial Committee's analysis proceed through the following sequential steps:

### STEP 1, JURISDICTION:

Confirm the matter falls within the Judicial Committee's jurisdiction under Art. 8, §2(a) as an appeal of an action of the Libertarian National Committee.

### STEP 2, PROCEDURAL COMPLIANCE:

Determine whether the LNC satisfied the Bylaws' express procedural requirements:

(a) Was the vote three-fourths (3/4) of the entire membership of the LNC?  
(15 of 18 = 83.3%, exceeding the 75% threshold)

(b) Did the motion specify "the nature of the cause" as required by Art. 5, §6?

### STEP 3, SUBSTANTIVE EVALUATION:

Determine whether the stated cause bears a rational relationship to the LNC's legitimate governance interests under the Bylaws. The Judicial Committee need not determine that the cause was wise, prudent, or the decision it would have reached, only that the stated cause constitutes "cause" within the meaning of Art. 5, §6 (i.e., that it is not arbitrary, pretextual, or wholly unrelated to legitimate organizational interests recognized by the Bylaws).

### STEP 4, BURDEN:

Determine whether the appellant has carried its burden of demonstrating that reinstatement is warranted notwithstanding the LNC's action and the presumption of regularity attending that action.

### STEP 5, BINARY DETERMINATION:

Issue the Committee's determination: affirm the revocation of affiliate party status, or order reinstatement. No other relief is available under the Bylaws.

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## IX. CONCLUSION

253 I respectfully submit that the governing documents  
254 provide a coherent framework for the Judicial Committee's  
255 analysis, one that neither reduces the Committee to a  
256 rubber stamp nor elevates it to a legislative body. The  
257 Judicial Committee's role is evaluative within fixed  
258 structural constraints: binary outcome, burden on appellant,  
259 no precedential authority, and no power to expand its own  
260 jurisdiction.

261  
262 I offer the framework proposed herein to assist the  
263 Committee in grounding its analysis in the text of the  
264 authorities that bind all parties to this proceeding.

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Respectfully submitted,

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Nathan Gage Madden  
2nd Vice-Chairman, Arizona Libertarian Party  
Sustaining and Lifetime Member, Libertarian Party  
August 4, 2026

*Pax Libertas*  
*Impotentes defendere libertatem non possunt*

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