

Libertarian National Judicial Committee

**Petitioner: Libertarian Party of New Hampshire
(LPNH)**

vs

Respondent: Libertarian National Committee (LNC)

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

**Libertarian National Committee
Respondent Brief**

Factual Background

On September 11, 2022, the National Committee disaffiliated the Libertarian Party of New Mexico for cause.

On November 4, 2024, the LPNH Executive Committee held a meeting at which they endorsed Donald Trump for President.

The 2026 Regular Convention of the Libertarian Party was held in Grand Rapids, Michigan on May 21–25, 2026.

On Monday, May 25, the convention adjourned. An hour later, the newly-elected LNC convened. The LNC took up a motion to disaffiliate LPNH and mandate that it cease and desist using its name and logo, reciting that LPNH “openly and publicly endorsed President Trump during the election” in violation of Article 5.4 and had “clearly and repeatedly undermined or espoused numerous anti-Libertarian positions on an [official] level.” The motion to disaffiliate LPNH was adopted by a tally of 15–2–1.

On June 4, 2026, approximately two weeks after the May 25 committee vote to disaffiliate LPNH, Evan McMahon, Chair of the LNC, sent a letter to LPNH Chair Jeremy Kauffman stating that LPNH is “hereby provided with notice” of disaffiliation under Article 5.6 of the Bylaws. Consistent with the discussion immediately preceding the National Committee vote, this letter recited the allegation in the Committee’s motion: “The bylaws are clear that the affiliate Parties shall not endorse the candidate of another Party. Despite this, the Libertarian Party of New Hampshire openly and publicly endorsed President Trump during the election.”

Argument

Notice Requirement and Voting Threshold

The LNC Post-Convention meeting held on May 25, 2026, was a regular session of the LNC. As such, new business without previous notice was permitted. The disaffiliation of LPNH was placed under new business on the agenda distributed shortly before the meeting. The full text of the motion was included as an appendix to the agenda. The procedure for disaffiliation is found in Article 5.6 of the National Bylaws, which states:

“The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature

of the cause for revocation. The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a regular convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate party status except when the last day of the 30 day period falls within 90 days prior to a regular convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate party status."

As a motion to disaffiliate exercises the power of the National Committee to revoke the status of any affiliate party, it is *de facto* a motion to rescind. The requirements to pass a motion to rescind are described in Robert's Rules of Order, Newly Revised (RONR) 35:2(7), which states:

"7. In an assembly, except when applied to a constitution, bylaws, or special rules of order, require (a) a two-thirds vote, (b) a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change, has been given at the previous meeting within a quarterly time interval or in the call of the present meeting, or (c) a vote of a majority of the entire membership—any one of which will suffice."

A motion to disaffiliate does not alter the constitution, bylaws or special rules of order of the National Party. Thus, the two-thirds (2/3) vote threshold is the highest required by RONR for a motion to disaffiliate without previous notice. Given that the vote to disaffiliate was 15-2-1, five-sixths (5/6) of the votes were cast in favor of disaffiliation, far exceeding the two-thirds (2/3) required by RONR and the three-fourths (3/4) required by Article 5.6 of the Bylaws. As such, any arguments that the motion lacked sufficient notice are without merit.

Disaffiliation and Removal from Office are Separate and Distinct Processes

The process of disaffiliation addresses misconduct by an affiliate, not an individual. The petitioner conflates officer removal and disaffiliation in arguing in [Appeal ¶48] that the Judicial Committee decision in *Phillies v. LNC (2024)* is somehow relevant to the current case. The fact of the matter is that *Phillies v. LNC (2024)* is non-binding on the current National Committee, and even if it were binding the fact patterns are different. *Phillies v. LNC (2024)* concerns officer removal, not disaffiliation. The petitioner also argues in [Appeal ¶46] that disaffiliation must follow the disciplinary procedure found in RONR § 63. However, this again conflates the disciplinary process for an individual board member found in RONR § 63 with the process for disaffiliation outlined in Article 5.6 of the National Bylaws. Nowhere in RONR § 63 is there a mention of discipline of an entity or affiliate. The LNC's ability to remove an LNC member is constrained by Articles 6.7, 7.5, and 7.8 of the National Bylaws, Policy Manual Section 1.01.4, and RONR § 63 because such an action effectively overrules the will of the delegates that elected a particular member. Disaffiliation is merely a decision to rescind a previous decision of the LNC, which in this case would be the decision to create a New Hampshire affiliate in the first place.

The “For Cause” Standard for Disaffiliation and Officer Removal are Different

The term “for cause” as it is used in the bylaws is ambiguous and undefined. Thus, in order to determine the appropriate meaning in context it is necessary to examine the relevant sections of the LNC Policy Manual and the parliamentary authority (RONR) as authorized by Article 16 of the National Bylaws, which states:

“The rules contained in the current edition of Robert’s Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.”

In Articles 6.7 and 7.5 of the National Bylaws the term “for cause” is used in the context of removing an officer or at-large member of the National Committee. Policy Manual Section 1.01.4 governs removal from office and states:

“A Party Officer or At-Large Member may be disciplined as per the Bylaws Article 6.7 and 7.5, for cause, by the trial procedure outlined in the parliamentary authority. This requirement shall be modified by the following rules.

- 1. At least fourteen (14) days’ notice shall be given to the accused.*
- 2. The accused’s rights of membership, except as they relate to the trial, may be suspended by a two-thirds (2/3) vote upon the adoption of the charges and pending the disposition of the charges.*

3. *The accused may appear personally or by counsel. Defense counsel shall be a sustaining member of the national Libertarian Party, as per Bylaws Article 4.4.*
4. *Testimony and deliberations, as being “pending or potential litigation,” as per Bylaws Article 7.15, may be held in Executive Session. The LNC may, however, order a transcript or recording be made of the session even if in Executive Session.*
5. *The LNC may act on the report of an investigatory committee at any point prior to the final adjournment of the next Libertarian National Convention.*
6. *Prior to the commencement of the trial, the LNC, by majority vote, adopt a resolution to govern the trial specifying details not inconsistent with the procedures described in the Bylaws, rules in the Policy Manual, or the parliamentary authority.”*

While Policy Manual Section 1.01.4 does provide additional rules governing the removal procedure for certain National Committee members, it also leaves the meaning of “for cause” ambiguous. However, it does invoke the procedures in RONR § 63. Cause is addressed in this context by RONR 63:24 which states:

“A charge sets forth an offense—that is, a particular kind of act or conduct that entails liability to penalty under the governing rules—of which the accused is alleged to be guilty. A specification states what the accused is alleged to have done which, if true, constitutes an instance of the offense indicated in the charge. An accused officer or member must be found guilty of a charge before a penalty can be imposed. If the bylaws of the society provide for the imposition of penalties for offenses defined in the bylaws or an adopted code of conduct or similar set of rules, a charge may consist of such a defined offense. If such particular offenses are not defined or are not applicable, a member may be charged with ‘conduct tending to injure the good name of the organization, disturb its well-being, or hamper it in its work,’ or the like, and an officer may be charged with misconduct of the type just mentioned or with ‘misconduct in office,’ ‘neglect of duty in office,’ or ‘conduct that renders him [or ‘her’] unfit for office.’”

So, even in the context of removal from office, “for cause” can be as vague as “conduct tending to injure the good name of the organization, disturb its well-being, or hamper it in its work,” “misconduct in office,” “neglect of duty in office,” or “conduct that renders him [or “her”] unfit for office.”

In Article 5.6 of the National Bylaws, “for cause” is used in the context of disaffiliating an affiliate party. Given that RONR § 63 does not address the matter of disaffiliation, both

the Policy Manual and RONR are silent about the meaning of “for cause” in this context. Thus, the meaning of “for cause” is ambiguous in this context. However, RONR does provide a rule of interpretation concerning ambiguous bylaws, namely RONR 56:68(1) which states:

“Each society decides for itself the meaning of its bylaws. When the meaning is clear, however, the society, even by a unanimous vote, cannot change that meaning except by amending its bylaws. An ambiguity must exist before there is any occasion for interpretation. If a bylaw is ambiguous, it must be interpreted, if possible, in harmony with the other bylaws. The interpretation should be in accordance with the intention of the society at the time the bylaw was adopted, as far as this can be determined. Again, intent plays no role unless the meaning is unclear or uncertain, but where an ambiguity exists, a majority vote is all that is required to decide the question. The ambiguous or doubtful expression should be amended as soon as practicable.”

As far as intent is concerned with respect to “for cause”, it is difficult to ascertain. The fact of the matter is that Article 5.6, while not always numbered that way, has existed with the same exact wording at least since 2002. [Respondent Exhibit A] Ultimately, this means that the meaning of “for cause” in this context is mostly at the discretion of the National Committee. The National Committee asserts that, at a bare minimum, violations of the bylaws should be considered sufficient cause for disaffiliation.

The Current LNC Followed the Same Procedure as the Last LNC that Voted to Disaffiliate

The last time the National Committee voted for the disaffiliation of an affiliate was on September 11, 2022, when it voted 14-1-2 to disaffiliate the Libertarian Party of New Mexico (LPNM). [Respondent Exhibit B] This disaffiliation was done by motion without an investigatory committee. The full text of the motion was:

“[Move] to disaffiliate the Libertarian Party of New Mexico (LPNM) as per Bylaws Article 5.6 for the cause of 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). The LNC further directs 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.”

The National Committee at its own discretion determined that in this instance “for cause” included “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)”

The petitioner argues in [Appeal ¶¶40, 63-78] that an investigatory committee in the vein of the so-called 2021 “Dixon Committee” would be required prior to a disaffiliation vote, as opposed to the process followed by the current National Committee with LPNH. The first problem with this notion is that there is little reason for an investigation into a violation of the bylaws that is a matter of public record.

Even though the Dixon Committee is purported to be a model for disaffiliation proceedings, it is clear from the actual investigation report that the committee was far more concerned with the alleged interference by the then-LNC Chair into the affairs of LPNH by way of attempting to create a splinter LPNH. Furthermore, the Dixon Committee was not some sort of landmark or touchstone with regards to investigatory committees. The committee simply did their job and delivered a report. No subsequent action was taken post-report to codify an investigatory committee as a requirement in matters concerning potential disaffiliation. As such, the National Committee asserts that it correctly used the same procedure for disaffiliation as the 2022-2024 National Committee did to disaffiliate LPNM.

LPNH’s Endorsement of Trump is not Disputed

One of the causes cited for the disaffiliation of LPNH is the endorsement of Republican Donald Trump for president. This is a direct violation of Article 5.4 of the National Bylaws which states:

“No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.”

There is no dispute that the endorsement occurred. The petitioner admits at [Appeal ¶¶4-5 and ¶¶54-55], among others, that the endorsement occurred.

LPNH as an Organization is Separate and Distinct from its Board as Individuals

Given that the petitioner does not dispute that the LPNH endorsement of Trump happened, the primary argument made against disaffiliation on those grounds is that the current board members were not involved in the decision to endorse Trump. [Appeal ¶¶7-

14, 39, 41, 54-62] This argument attempts to ignore the fundamental characteristics of an affiliate. An affiliate continues to exist indefinitely, regardless of changes in its ownership, management, membership, or even its name, until it is formally dissolved. Just because LPNH has a new board doesn't mean that there is a new LPNH, merely that there is a new board. Similarly, just as there is continuity in the existence of LPNH between boards, so also there is continuity in the contracts, obligations, property, litigation, and liabilities of LPNH as an affiliate. If the LPNH board that endorsed Trump had in a separate motion executed a loan with a financial organization or otherwise incurred a debt obligation, the election of a new board in no way terminates the debt obligation. Similarly, if the LPNH board that endorsed Trump had been sued, the election of a new board would in no way terminate the litigation. As such, the notion that the election of a new board somehow terminates the liability incurred by a previous board in endorsing Trump and violating the bylaws is equally absurd. Furthermore, it is somewhat disingenuous to make the claim that the current LPNH chair, then LPNH interim Secretary, never supported the Trump endorsement [Appeal 14fn3] when only a week before he publicly posted on social media that "Libertarians should vote for Donald Trump this year." And on the day of the endorsement vote he posted "I spoke at the Libertarian Convention this year. I called the Libertarian nominee a gay race communist on stage and endorsed Donald Trump the next day." [Respondent Exhibits C & D]

Requested Rulings Outside the Authority of the Judicial Committee

LPNH has specified three requested rulings, first "Reverse the National Committee's purported revocation or suspension and order reinstatement of LPNH as the recognized state-level affiliate, together with all relief incidental to making reinstatement effective; or" secondly "In the alternative, order the formation of a Dixon-style investigatory committee pursuant to the LNC's June 2021 motion on the Jarvis matter and the Dixon Committee model; and, in either case," thirdly "Preserve the status quo pending decision, so that the relief sought is not made moot during the pendency of this appeal." While the first request is well within the authority of the Judicial Committee to grant, the second one is outside the scope of the Judicial Committee's authority to grant, and the third one is automatically granted pending the outcome of the appeal.

Conclusion

The difference between removal from office and disaffiliation is clear. Removal from office is constrained by Articles 6.7, 7.5, and 7.8 of the National Bylaws, Policy Manual Section 1.01.4, and RONR § 63 because such an action effectively overrules the will of the delegates that elected a particular member. Disaffiliation is merely a decision to

rescind a previous decision of the LNC, which in this case would be the decision to create a New Hampshire affiliate in the first place. As such, motions to disaffiliate via Article 5.6 of the National Bylaws don't require notice. However, such motions have higher vote thresholds. Typically, a motion to rescind would require a two-thirds vote to pass without notice, but Article 5.6 of the National Bylaws requires at least a three-fourths vote. Furthermore, the meaning of "for cause" in the bylaws is ambiguous both for removal from office and disaffiliation. However, where cause in the case of removal from office is constrained by Policy Manual Section 1.01.4, and RONR § 63, in the case of disaffiliation cause continues to remain ambiguous. Because of this the National Committee has some discretion regarding what constitutes cause in the case of disaffiliation.

When LPNH endorsed Republican Donald Trump for president, they violated Article 5.4 of the National Bylaws. The petitioner admits this in the appeal. Changes in leadership don't terminate the liability incurred by the LPNH itself. Because of this, the National Committee disaffiliated LPNH for cause in accordance with the procedure outlined in Article 5.6 of the National Bylaws.

As such, the National Committee respectfully requests that all the petitioners requests for relief be denied.

Respectfully Submitted,

Jonathan McGee

On behalf of the Libertarian National Committee

Exhibit List

Exhibit A:

<https://lp.org/wp-content/uploads/2024/10/bylaws-2002.pdf>

Exhibit B:

https://lp.org/wp-content/uploads/2024/10/LNC-Special-Meeting_2022-09-11_FINAL.pdf

Exhibit C:



Exhibit D:



Jeremy Kauffman...  @jeremykauff... 4 Nov 2024

I spoke at the Libertarian Convention this year.

I called the Libertarian nominee a gay race communist on stage and endorsed Donald Trump the next day.



Jeremy Kauffman    

