

Avens O'Brien Concurring Opinion

In the matter of the May 2026 disaffiliation of the Libertarian Party of New Hampshire (LPNH) by the Libertarian National Committee (LNC), I endorse and join the opinions of Mr. Moellman, Dr. Moulton & Ms. Gingell in affirming the LNC's revocation of LPNH's affiliate status. Those opinions have fully discussed the relevant ruling and reasoning, I have no need to repeat them here again.

The following are my additional personal comments, separate from the Bylaws considerations.

It is very disappointing to be affirming the disaffiliation of a state Party for which I was previously Vice Chair twenty years ago, and that my own family has a long history with. My grandfather was a Libertarian candidate for Congress in the 1970s via LPNH, my parents were executive board members, candidates and activists in the early years. LPNH has long felt like an extension of my own family.

Regardless of how I might personally feel about this, the disaffiliation was valid. The violation was obvious, admitted to, and caused significant reputational damage to the Libertarian Party. The details and reasoning are further elaborated upon in the opinions written by Mr. Moellman and Dr. Moulton.

It has not been an easy experience to watch the very first Libertarian Party affiliate I ever belonged to degenerate into service to the two-party system, violate the Party Bylaws and Statement of Principles and end up disaffiliated.

I suspect it has not been an easy thing for other members and affiliates to experience either. There are those in the Libertarian Party (LP) who may feel the pendulum swings of factionalized leadership could lead to "witch hunts" and possible purging. There are those who think this is an example of it. I think reviewing the facts makes it clear this is not simply a conflict of personalities.

However -

"Your scientists were so preoccupied with whether they *could*, they didn't stop to think if they *should*." -Ian Malcolm, Jurassic Park

The LNC had valid cause and justification. It *could* revoke affiliation status of the Libertarian Party of New Hampshire. The arguments indicate it *should* have.

The *process* by which it did so complied with the Bylaws. It met the minimum standards. That doesn't mean, however, that it's the process they *should* have used. I do think the process was in conflict with the highest standards of performance I expect from the Libertarian Party as an organization. It *should* have a better process.

I personally suggest that the delegates at the 2028 National Convention, during Bylaws discussions, or the LNC, within its Policy Manual, consider outlining a more detailed, transparent and better "due process" method of disaffiliation. I'd like to see official notice, a hearing, a set statute of limitations (perhaps 2-4 years or an election cycle), and a process for repair.

Members deserve to have this entire process made more accountable and transparent, for all to understand the severity of a violation which causes this level of action. It strengthens the case, and leaves no one uncertain about the procedure, and the nature of the offense. It helps other Affiliates better understand where they stand. It helps better define the behavior the LP expects, and rejects.

I'd also like to suggest the delegates at the 2028 National Convention modify the Bylaws to explicitly allow the Judicial Committee (JC) to modify rules between cases (within reasonable limitations). Our rules contained a holdover from the previous JC rules that did not allow state affiliates to submit amicus briefs, and I would like us to have the ability to modify that and pivot when external feedback indicates a procedure could be made more fair.

I want to acknowledge that the Amicus briefs in favor of the LNC's actions did far more to substantiate the actual argument than the formal response by the LNC. I recognize the complication caused by the timing of the appeal happening over a holiday weekend, but it *should* have been ready. There was significant time to make the case, not just to the Judicial Committee, but to members who desire accountability and higher standards, regardless of perceived factional allegiances.

I also want to acknowledge Mr. Kauffman deleting the endorsement post on X live during our hearing and his willingness to delete others brought to his attention - I do appreciate it. It was far too little, too late, in terms of corrective action. I am, however, glad to no longer see that post live on X.

As someone who has a reputation for seeking out and amplifying the things that unite us and connect us, this entire matter disappoints me.

I hope the JC does not have to deal with more cases like this in our term. If we do, I caution the LNC to make a better process and better arguments - *not* because the Bylaws *require* it, but because as we engage in this Party we hope will grow and prosper, taking the high road and holding ourselves and our own to the highest standards helps raise them for all.

Let's walk our talk, please.

In reluctant affirmation,

Avens O'Brien
Vice Chair, Judicial Committee, Libertarian Party
Former Vice Chair, Libertarian Party of New Hampshire