

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

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

BRIEF OF SIX STATE LIBERTARIAN PARTY AFFILIATES AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

INTEREST OF *AMICI CURIAE*

Amici are six state-level affiliate parties of the Libertarian Party, each chartered under Article 5 of the Libertarian Party Bylaws. *Amici* have invested years of effort—fielding candidates, recruiting members, administering elections, and advancing liberty—under the auspices and brand of the Libertarian Party.

Amici write neither to adjudicate the internal affairs of LPNH nor to endorse any position it has taken. *Amici* write because the precedent set by the Libertarian National Committee on May 25, 2026, raises a concern of grave institutional importance to every affiliate of this Party.

In 2021, the LNC established a formal model—embodied in the Jarvis Resolution and the Dixon Committee report—governing how the LNC would intervene in the affairs of state affiliates. That model promised notice, investigation, enumerated findings, and reasoned process before any intervention was undertaken. *Amici* have continued to invest in the Libertarian Party for years in reliance on that commitment. The LNC’s summary disaffiliation of LPNH—executed without a single element of the established model—signals to every affiliate that the LNC may revoke its affiliates’ status at will, without notice, without investigation, and without cause. We urge this Committee to reject that signal, restore the model, and make clear that the Libertarian Party honors its obligations to its affiliates.

ARGUMENT

I. The 2021 Jarvis Resolution and Dixon Committee Established a Normative Model of Notice and Reasoned Process for LNC Intervention in Affiliate Affairs.

In June 2021, following an internal dispute within LPNH during which then-LNC Chair Joe Bishop-Henchman interceded on behalf of one faction, the LNC adopted a resolution forming an *ad hoc* committee to investigate those events. The committee (the “Dixon Committee”) was chaired by Pat Dixon, a current member of this Judicial Committee.

The Jarvis Resolution was not merely a response to one dispute. It was a deliberate act of institutional architecture. The resolution expressly charged the Dixon Committee to “set forth a model of investigating internal matters” and, more specifically, to “set forth a model of investigating internal issues not covered by the Judicial Committee, Bylaws, and Policy Manual.” Dixon Committee Report (Aug. 30, 2021) at 8–9. The LNC directed the committee to “report back to the LNC for a debriefing of the findings, recommendations, and final thoughts upon the investigation being determined complete by the committee.” *Id.* at 9.

The Dixon Committee fulfilled this charge through rigorous, systematic investigation. It “interview[ed] pertinent members” of both organizations. *Id.* at 8. It “review[ed] any pertinent party run or personal electronic communications of the parties involved.” *Id.* It undertook “an examination of the facts, evidence and reasoned analysis.” *Id.* at 10. Committee Chair Dixon personally prepared “an evidence folder,” “wrote a project charter and project plan,” and “created a timeline of events, list of questions to ask, and contact list.” *Id.* at 22. The committee reviewed numerous specific documents and social media posts. *Id.* at 25–31.

The Dixon Committee then issued a formal written report with specific findings and recommendations. Among its conclusions: there had been “intentional interference in a state party by individual LNC actors,” including the then-LNC Chair, “using their LNC titles to influence an outcome of a convention in a state where they do not reside.” This was not a vague declaration of displeasure. It was a documented, reasoned institutional judgment, reached after investigation, with specific evidence.

The Jarvis Resolution and Dixon Committee report together created a governing model for LNC intervention in affiliate affairs: a formally charged committee; interviews of pertinent parties; review of evidence; reasoned analysis; enumerated findings; specific recommendations. Affiliates across the country observed this process and were entitled to understand it as the framework within which the LNC would operate whenever it intervened in their affairs.

II. *Amici* Have Relied on the Dixon Model in Investing in the Libertarian Party.

Amici are not merely observers of the Libertarian Party. We are its constituent parts. We recruit candidates, grow memberships, manage state ballot-access filings, host conventions, and perform the daily work of building a national political movement under the LP name and brand. This work is expensive, time-consuming, and often personally costly to the volunteers who make it possible.

When *amici* chose to build within the Libertarian Party rather than independently—to adopt and use the LP name, to satisfy affiliation requirements, to operate under LP bylaws—we did so understanding that the relationship between affiliates and the national party would be governed by fair and established norms. The Jarvis Resolution and Dixon Committee model were central to that understanding. When the LNC committed—by formal resolution—to a “model” of “investigating internal issues” through structured notice, evidence-gathering, reasoned analysis, and enumerated findings, affiliates were entitled to rely on that commitment.

That reliance was not passive. *Amici* have continued to operate under LP affiliation, to expend resources under the LP brand, and to trust that if the LNC ever believed we had violated the party’s bylaws, it would follow its own model: notify us, investigate, give us an opportunity to respond, and issue findings before taking any action. We did not anticipate that the LNC might one day disaffiliate one of our number in under thirty minutes, without a list of charges, without prior notice to the affiliate, and without the faintest gesture toward investigation.

III. The LNC’s Unilateral Departure from Its Established Model Triggers Settled Principles of Voluntary Association Law.

A. The Jarvis Resolution Constitutes a Binding Commitment to Affiliates.

The bylaws of a voluntary association form a contract with its members. *Polin v. Kaplan*, 257 N.Y. 277, 281 (1931) (Cardozo, J.) (“The constitution and by-laws of an unincorporated association express the terms of a contract which define the privileges secured and the duties assumed by those who have become members.”); *Taboada v. Sociedad Espanola*, 191 Cal. 187, 191–92, 215 P. 673 (1923) (right to hearing under association bylaws is “not a mere pretense but a real substantial, enforceable right”). Formal LNC resolutions are part of the Party’s governing fabric. State affiliates are parties to this relationship. When the LNC commits—by formal motion—to a “model” governing its intervention in

affiliate affairs, that commitment becomes part of the associational contract, binding on the LNC in its dealings with every affiliate.

The Dixon model is not merely aspirational. It was codified in a formal report, explicitly endorsed by the LNC as a normative standard, and published to all affiliates. Where an association commits to specific procedures, those promises are binding, and members may not be expelled without them. *See Hackethal v. California Med. Ass'n*, 138 Cal. App. 3d 435, 187 Cal. Rptr. 811 (1982) (court ordered association to grant the fair hearing it had promised in its bylaws). The LNC cannot now repudiate this commitment unilaterally.

B. Affiliates Are Entitled to the Protections of Promissory Estoppel.

Even setting aside direct contract analysis, the doctrine of promissory estoppel provides an independent basis for relief. To invoke promissory estoppel, a claimant must show: (1) a clear and definite promise; (2) that the promisor should have expected to induce reliance; (3) that the promisee reasonably and detrimentally relied; and (4) that injustice can only be avoided by enforcement. Restatement (Second) of Contracts § 90; *see also Hoffman v. Red Owl Stores, Inc.*, 26 Wis. 2d 683, 133 N.W.2d 267 (1965).

Each element is met here. The Jarvis Resolution is a clear and definite promise of process. The LNC should have foreseen that affiliates would rely on this model in continuing their relationship with the national party. Affiliates have invested years of organizational effort on the reasonable understanding that this model would govern any LNC intervention in their affairs. It would be manifestly unjust to allow the LNC to collect the benefits of decades of state affiliate labor, and then discard the procedural protections it expressly promised at the very moment those protections are most needed.

C. Courts Require Fair Procedure in Voluntary Association Discipline.

The broader backdrop is clear: courts do not allow voluntary associations to discipline members arbitrarily or to violate their own governing commitments without consequence. *See Pinsker v. Pacific Coast Soc'y of Orthodontists*, 12 Cal. 3d 541, 550, 526 P.2d 253 (1974) (“[W]henver a private association is legally required to refrain from arbitrary action, the association’s action must be both substantively rational and procedurally fair.”); *Hackethal*, 187 Cal. Rptr. at 811 (court ordered association to grant fair hearing it had promised). While this Committee is not a civil court, these principles reflect the normative framework within which all voluntary associations—including political parties—are expected to operate. The LP’s own bylaws reflect this understanding: Article 5 §6 requires disaffiliation “for cause,” invoking the same standards of specificity and fairness that courts have long required.

IV. The Record Confirms the LNC’s Departure Was Deliberate—and Demonstrates Exactly Why the Dixon Model Exists.

This is not a case where the LNC inadvertently failed to follow its own procedures. The record makes the deliberate nature of the departure unmistakable.

On May 25, 2026, LNC member Alfa Shaw moved to add to the agenda the formation of an investigatory committee on the potential disaffiliation of LPNH—that is, to follow the Dixon model. The motion was rejected on voice vote. Shaw then moved to amend the disaffiliation motion to require investigation first: “If we’re going to do something as large as disaffiliating one state, I would like to produce a report [enumerating specific violations].” That too was defeated.

Austin Martin, Chair of the Hawaii Libertarian Party, urged the LNC from the floor: “due process consists of two elements: notice and an opportunity to respond. What you’re about to do will have a massive impact on state bodies, plural, and on the composition of this body, and it would properly be considered a disciplinary action for which we have given no notice and opportunity to respond.” He

warned that the action “would be easily shown” to be “a snap decision made after the heat of the convention.” His warnings were ignored.

A member voting in favor of disaffiliation acknowledged on the record: “I may not have a list of particulars—this happened in such and such a time... but we all know what’s been going on up there.” A final speaker in favor pointed to a social media post and said simply: “I’m actually not going to say anything else.”

This is precisely the conduct the Jarvis Resolution was designed to prevent. The LNC committed in 2021 to a model that would require investigation before action, enumerated findings rather than “big picture” impressions, and specific evidence rather than general notoriety. On May 25, 2026, the LNC was offered that very model by two of its own members and chose to reject it—deliberately, on the record.

V. This Committee Should Reverse the Disaffiliation to Protect Party Unity, Fundamental Fairness, and the Party’s Legal Obligations.

The stakes of this proceeding extend far beyond LPNH. The question before this Committee is whether the LNC’s commitment to a model of fair affiliate intervention means anything at all. If the LNC can disaffiliate a state party in thirty minutes—without notice, without charges, without investigation, in direct repudiation of its own established procedures—then no affiliate in the country can trust that its affiliation is secure.

Amici ask this Committee to consider what that world looks like. State affiliates cannot recruit candidates, grow memberships, and build organizations under the LP brand if the brand’s protections can be revoked at will, based on general impressions and without a list of particulars. The national party’s value to its affiliates depends in part on the stability and fairness of its internal governance. A national party that can disaffiliate state organizations arbitrarily, at a moment of political frustration, has no meaningful model—only a perpetual threat.

This Committee has both the authority and the obligation to prevent that outcome. Article 5 §6 requires disaffiliation “for cause.” Article 8 §2(a) establishes this Committee as the appellate body over affiliate suspensions precisely because the Bylaws contemplate that the LNC might sometimes exceed its authority. This is such a case.

Amici respectfully urge this Committee to:

- Reverse the LNC’s purported disaffiliation of LPNH and order reinstatement; or
- In the alternative, order the formation of an investigatory committee modeled on the Dixon Committee—the very procedure the LNC itself established in 2021 and whose revival was blocked on May 25, 2026.

Either remedy restores the model on which affiliates have relied. Either remedy protects party unity. Either remedy honors the Party’s obligations to the affiliates who have built it. And either remedy sends the essential message to every state party: the Libertarian Party means what it says.

CONCLUSION

The Jarvis Resolution and Dixon Committee did not merely resolve a 2021 dispute. They established a promise—made to every affiliate of the Libertarian Party—that LNC intervention in affiliate affairs would be conducted with notice, investigation, reasoned analysis, and enumerated findings. *Amici* have relied on that promise in choosing to invest in this Party, build under this brand, and operate under these bylaws.

The LNC's May 25, 2026 disaffiliation of LPNH is a deliberate repudiation of that promise, executed without charges, without investigation, and against the explicit counsel of multiple LNC members urging basic fairness. For the reasons set forth above, *amici* respectfully urge this Committee to reverse the disaffiliation of LPNH—or in the alternative to order a Dixon-style investigatory committee—and to affirm that the Libertarian Party will honor its commitments to its affiliates.

Respectfully submitted,

George Stamper

Chair of LPNV

on behalf of the Libertarian Party of Nevada

Josiah Baker

Chair of LPTN

on behalf of the Libertarian Party of Tennessee

Dane Courtois

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