

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LIBERTARIAN NAT'L
COMMITTEE, INC.,

Plaintiff,

v.

LIBERTARIAN PARTY OF
NEW MEXICO, et. al.
Defendants.

NO.: 1:26-cv-01562-MIS-KK

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, the Libertarian National Committee, Inc. (“LNC”), respectfully moves for a preliminary injunction under Federal Rule of Civil Procedure 65(a), preventing Defendants Libertarian Party of New Mexico, Chris Luchini, Laura Burrows, Paul McKenney, Frederick Snoy, and James Wernicke (collectively “Defendants”) from continuing to unlawfully use the LNC’s federally registered trademark LIBERTARIAN PARTY® (the “Mark”). Doc. 1-1. Defendants oppose this motion.

Defendants continue to willfully and maliciously infringe the Mark by misleading the public through using the Mark in connection with the solicitation of donations and the nomination of candidates and causing confusion amongst New Mexico’s voters. Defendants have engaged in these actions while associating with a competing political party: the Liberal Party. Doc. 1-13, at 14. Plaintiffs have repeatedly requested that Defendants cease and desist—but they have refused. A preliminary injunction is necessary to stop the irreparable harm caused by the Defendants’ ongoing actions. Swift intervention by this Court is necessary because of the rapidly approaching

nomination and election of federal and state candidates and to preserve public confidence in the electoral process.

INTRODUCTION

The Libertarian National Party

Plaintiff, Libertarian National Committee, Inc., is the National Committee of the Libertarian Party as defined by 52 U.S.C. §30101(14). It manages the business of the Libertarian Party throughout the United States by functioning as a libertarian political entity separate and distinct from all other political parties or movements, electing Libertarians to public office to move public policy in a libertarian direction, chartering and promoting affiliate parties throughout the United States, fundraising for candidates, nominating candidates for President and Vice-President of the United States, supporting Libertarian Party and affiliate party candidates for political office, and engaging in public information activities. Doc. 1-6.

As part of its management of the party, Plaintiff has registered a number of trademarks with the United States Patent and Trademark Office (“USPTO”) that are associated and identified with its national and local political activities. Plaintiff’s trademarks include the federally registered trademark, LIBERTARIAN PARTY®, Reg. No. 2,423,459. Doc. 1-1. The Mark has been in use in commerce at least since January of 1972 and has been granted incontestable status by the USPTO through meeting the requirements of 15 U.S.C. §1065. The Mark is also famous under the requirements of 15 U.S.C. § 1125.

The LNC is authorized to charter affiliates throughout the United States. Doc. 1-6. Properly chartered affiliates receive a license to use the LNC’s trademarks. In November 1972, the LNC chartered the Libertarian Party of New Mexico (“LPNM”). Declaration of C.A. Harlos, attached hereto as **Exhibit 1**. As a chartered affiliate of the Libertarian Party, LPNM received a license to

use the Mark. However, in August of 2022, LPNM notified the LNC that it was formally severing its affiliation with the LNC. Doc. 1-7. Then in September of 2022 the LNC formally disaffiliated with LPNM. Doc. 1-8. After LPNM became unaffiliated with the LNC, it lost its license to use the Mark. LPNM, however, continued to use the Mark despite repeated demands by Plaintiff to stop infringing. Doc. 1-21. LPNM continues to use the Mark today on its website and social media accounts. Declaration of D. Scott, attached hereto as **Exhibit 2**.

The Defendants

The Defendants conceded on their website that the LPNM was founded on June 27, 1972, six months after the predecessors in interest to the LNC first began using the mark, “Libertarian Party.” The Libertarian Party of New Mexico was founded on June 27, 1972, with the purpose of being the New Mexico affiliate of the LNC’s predecessor in interest. The state party held its first convention on July 22, 1972. LPNM History Website, retrieved May 29, 2026, attached hereto as **Exhibit 6**. This same webpage of Defendants claimed “The LPNM is the state affiliate of the Libertarian Party.” Ex. 6. After this suit was filed, that portion of the LPNM’s website returns a 404 error. Ex. 2, at F. This historical self-reporting comports with the records of the Secretary of State of New Mexico in the Party’s historical archives. Secretary of State Certificate, retrieved May 29, 2026, attached hereto as **Exhibit 7**.

The Defendants have, without permission and without license, willfully infringed the Mark beginning in September of 2022. Defendants have used the Mark and confusingly similar marks in commerce and continue to hold themselves out to the public as “Libertarian Party of New Mexico.” Doc. 1 at 13, 18, 19, Ex. 2. These actions have resulted in ballot confusion and donations intended for the LNC’s affiliate being sent to the infringers and have harmed the LNC’s ability to have candidates appear correctly on ballots. The Defendants have used the Mark to solicit funds

and to illegitimately suggest their activities and organization are affiliated with the Plaintiff without the Plaintiff's consent. On Defendants' website today, in addition to "Libertarian Party of New Mexico" appearing in the header and footer of every page, the LPNM Platform page states that "the party officially adopts the national Libertarian Party platform..." and on its County Affiliates page "The Libertarian Party is a grassroots political organization..." and the Become a Voting Member page states that to be a voting member of the LPNM, you must "Be registered as a Libertarian in NM" (i.e. registered with the Libertarian Party), while its Our History page (very recently removed) states that "The LPNM is the state affiliate of the Libertarian Party." Ex. 2, at F. Meanwhile, Defendants' website has no mention of the Liberal Party whatsoever, in spite of the Libertarian Party of New Mexico being the recognized affiliate of the Liberal Party USA. Such actions continue to cause consumer confusion and the dilution of the Mark and the goodwill associated therewith. Ex. 2; Declaration of E. McMahon, attached hereto as **Exhibit 3**. Declaration of B. Konsavage, attached hereto as **Exhibit 4**.

Prior to filing this action, Plaintiff sent several cease-and-desist letters to Defendants. Doc. 1-20-23. But the Defendants have outright refused to respect Plaintiff's trademark rights and continue to cause irreparable harm through their infringement. This is a straightforward case about Defendants' willful and malicious use of an identical mark to mislead the public through false advertising and representations of affiliation with the Plaintiff. Defendants' actions of solicitation of political donations using the Mark, their use of the Mark in a corporate name and on their website, and their continued engagement in unfair competition with the LNC and its authorized affiliate for New Mexico are causing ongoing confusion amongst voters and members of the public. Egregiously, Defendants are preventing the rightful licensee of the LNC's trademark from

using that trademark in commerce for the LNC's benefit, due to the restrictions of New Mexico law. Doc 1, at 18.

Because of the on-going and irreparable harm caused by the Defendants' infringement, and given the rapidly approaching vitally important period for the nomination of national, federal and state candidates including raising campaign funds and generating national awareness, a preliminary injunction is necessary to preserve the integrity of the candidate and delegate nomination process and is in the vital public interest of preserving confidence in the electoral process.

ARGUMENT

This is a straightforward case of trademark infringement and false designation. Plaintiff's mark is registered, incontestable, and famous. Defendants use the identical mark, for identical goods and services, with the intent of confusing the public and insinuating direct affiliation with the Plaintiff. It is undisputed that Defendants lack a license or any right to use the Mark and it is undisputed that Defendants continue to use the Mark despite repeated demands that they stop their infringement. A preliminary injunction is necessary to prevent the ongoing harm caused by the Defendants' willful infringement.

I

THE COURT SHOULD ENJOIN THE DEFENDANTS FROM CONTINUING TO CONFUSE VOTERS AND CONSUMERS BY THEIR USE OF PLAINTIFF'S MARK

In the Tenth Circuit, a movant seeking a preliminary injunction must establish that four factors weigh in its favor: "(1) it is substantially likely to succeed on the merits; (2) it will suffer irreparable injury if the injunction is denied; (3) its threatened injury outweighs the injury the opposing party will suffer under the injunction; and (4) the injunction would not be adverse to the public interest." *Beltronics USA, Inc. v. Midwest Inventory Distrib., LLC*, 562 F.3d 1067, 1070

(10th Cir. 2009); *see also Fish v. Kobach*, 840 F.3d 710, 723 (10th Cir. 2016). All four factors favor Plaintiff:

1. Plaintiff has a strong likelihood of success on the merits because the Defendants are using an identical trademark to Plaintiff's Mark and are doing so for the same goods and services. This ongoing action by the Defendants has and is likely to continue to result in consumer confusion.

2. Plaintiff will suffer irreparable harm because voters will be confused and lost, possibly forever; votes will be lost; fund-raising, vitally necessary for the party, has been and will continue to be misdirected, none of which will be recoverable; and voter trust and confidence, not only in the LNC but in politics in general, may be forever eroded.

3. The injunction will cause no harm to Defendants by requiring them to stop deceiving the public about their affiliation with the LNC.

4. The public interest will be served by an injunction that enforces truth and avoids confusion in political advertising. An injunction will confer a benefit by providing voters with greater knowledge by requiring Defendants to distinguish themselves from the Libertarian National Party instead of causing confusion amongst voters by holding themselves out as being licensed by and affiliated with the LNC when associating with a competing party.

These same factors were found to inure to the LNC's favor in a similar case in Michigan, *Libertarian Nat'l Comm., Inc. v. Saliba*, Case No. 5:23-cv-11074, United States District Court for the Eastern District of Michigan, in which a preliminary injunction was granted. The 6th Circuit upheld the preliminary injunction against use as a source identifier with a minor carve-out for a particular donation page. *Libertarian Nat'l Comm., Inc. v. Saliba*, 116 F.4th 530 (6th Cir. 2024).

A. Plaintiff is Likely to Succeed on the Merits because Defendants' use of an Identical Mark in Commerce is Likely to Cause Consumer Confusion

A defendant commits trademark infringement when it uses, in commerce and in a way likely to confuse consumers, an identical or similar mark to one owned by a plaintiff. *1-800 Contacts, Inc. v. Lens.com, Inc.*, 722 F.3d 1229, 1238 (10th Cir. 2013) (The elements of trademark infringement are “(1) that the plaintiff has a protectable interest in the mark; (2) that the defendant has used an identical or similar mark in commerce; and (3) that the defendant's use is likely to confuse consumers.”).

A plaintiff acquires a protectable interest in a trademark by “using a distinct mark in commerce.” *Underwood v. Bank of Am. Corp.*, 996 F.3d 1038, 1053 (10th Cir. 2021). Although no registration is required for a plaintiff to acquire a protectable interest, here the LNC possesses a federal registration for the mark LIBERTARIAN PARTY® and that mark, because of its length of use, has become incontestable, as defined by Lanham Act. Section 32(b) of the Lanham Act 15 USC §1115(b) states that when a mark becomes incontestable “the registration shall be conclusive evidence of the validity of the registered mark and of the registration of the mark, of the registrant’s ownership of the mark, and of the registrant’s exclusive right to use the registered mark in commerce.” As the Supreme Court has held, the “incontestable status may be used to enjoin infringement by others.” *Park 'N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 196 (1985).

After a protectable interest in a mark is established, the central inquiry is likelihood of confusion. *Team Tires Plus, Ltd. v. Tires Plus, Inc.*, 394 F.3d 831, 832–33 (10th Cir. 2005) (“the key inquiry is whether the consumer is likely to be deceived or confused by the similarity of the marks.”). Relevant confusion is not limited to confusion as to source but also includes confusion as to sponsorship or affiliation. *Id.* at 833–34. The Tenth Circuit uses six nonexclusive factors as

a “a guide for evaluating the likelihood of confusion: (a) the degree of similarity between the marks; (b) the intent of the alleged infringer in adopting its mark; (c) evidence of actual confusion; (d) the relation in use and the manner of marketing between the goods or services marketed by the competing parties; (e) the degree of care likely to be exercised by purchasers; and (f) the strength or weakness of the marks.” *Id.*

Each of these factors weigh strongly in Plaintiff’s favor. Defendants use an *identical* mark in commerce for the same goods and services and in connection with promoting a competing political party. Ex. 2. The use of an identical mark by an infringer concurrently with its rightful owner strongly weighs in favor finding infringement because “there is great likelihood of confusion when an infringer uses the exact trademark.” *U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134 (3d Cir. 1981); *see also Opticians Ass’n of America v. Independent Opticians of America*, 920 F.2d 187, 195–98 (3d Cir. 1990).

Defendants have, despite repeated warnings from Plaintiff and despite affiliating with a competing political party, continued to use the Mark when advertising to donors and on ballots. These actions can serve no other purpose than to deceive voters and donors about Defendants’ relationship with the LNC and as a result to “derive benefit from the reputation or goodwill of plaintiff.” *Sally Beauty Co. v. Beautyco, Inc.*, 304 F.3d 964, 973 (10th Cir. 2002) (noting that “Proof that a defendant chose a mark with the intent of copying the plaintiff’s mark may, standing alone, justify an inference of likelihood of confusion” and that “one who adopts a mark similar to another already established in the marketplace does so at his peril, because the court presumes that he can accomplish his purpose: that is, that the public will be deceived. All doubts must be resolved against him.”). The very reason the Defendants use the Mark is to take advantage of what LIBERTARIAN PARTY® means to the public and voters. There can be no question that

consumers would be confused by the Defendants' actions and that this confusion not only takes place when making a donation but also when casting a vote.

There is also significant evidence of actual confusion. The recognized New Mexico affiliate of the LNC has received numerous inquiries indicating actual confusion from voters, including voters confused as to which candidates on the ballot were affiliated with which parties, from prospective members, and from candidates, and has noted confusion and questions from various users on social media. Ex. 2. Declaration of B. Konsavage, attached hereto as Ex. 4.

The Defendants have the exact same use and manner of marketing the goods and services as Plaintiff and its authorized affiliates- using the mark prominently on its website, social media accounts, at local meetings and events, on fundraising and petitioning forms, on forms and communications soliciting and organizing volunteers and candidates, etc. Ex. 3. The recipients of the services are the general public, who exercise no special degree of care, and the Libertarian Party mark is strong due to its decades of extensive, continuous, nationwide use and its widespread renown. Ex. 3.

In addition, proof of continued unauthorized use of an original trademark by a party whose license to use the trademark has been terminated is sufficient to establish "likelihood of confusion." *U.S. Structures, Inc. v. J.P. Structures, Inc.*, 130 F.3d 1185, 1190 (6th Cir. 1997); *see also U.S. Jaycees*, 639 F.2d 134, at 142–46; *Opticians Ass'n of America*, 920 F.2d 187, at 195–98. Where a defendant continues to hold themselves out as having some affiliation with a plaintiff—by continued use of a trademarked name after termination of the affiliation—they are using Plaintiff's Mark without permission and thereby creating a likelihood of confusion.

B. Plaintiff has a Rebuttable Presumption of Irreparable Harm under the Lanham Act

Once a trademark owner has shown likelihood of success, the Lanham Act provides a rebuttable presumption of irreparable harm for preliminary injunctive relief. 15 U.S.C. § 1116(a). The Tenth Circuit has recognized that, after Congress amended § 1116(a), the Lanham Act expressly allows such a presumption when the owner of a trademark proves likelihood of success on the merits. *See Trial Lawyers College v. Gerry Spence Trial Lawyers College at Thunderhead Ranch*, 23 F.4th 1262, 1270-71 (10th Cir. 2022). Even without relying solely on the statutory presumption, injury to reputation and goodwill can support irreparable harm because courts may consider “the difficulty in calculating damages” and “intangible harms such as loss of goodwill or competitive market position.” *Id.* at 1271 (quoting *Dominion Video Satellite, Inc. v. Echostar Satellite Corp.*, 356 F.3d 1256, 1264 (10th Cir. 2004)).

It is inevitable that Defendants’ use of LIBERTARIAN PARTY® will cause confusion and cause voters, party members, potential members, and donors to be confused as to the association of Defendants with Plaintiff. This confusion is particularly harmful since the Defendants have chosen to affiliate with a competing political party and their political positions, political rhetoric and political platforms will be confused and attributed to Plaintiff to the significant and permanent detriment of Plaintiff.

If the Defendants are allowed to continue their infringement, voters, party members, potential members, and donors will be confused and lost, possibly forever. Votes will be lost, vitally necessary fund-raising will continue to be misdirected, and the voters’ trust and confidence, not only in the LNC but in politics, will be eroded.

C. Defendants Will Suffer No Harm by Being Enjoined from Infringing Plaintiff's Mark

The third injunction factor asks whether Plaintiff's threatened injury outweighs any injury that Defendants would suffer under the injunction. *Fish*, 840 F.3d at 723; *Beltronics*, 562 F.3d at 1070. Here, Defendants will not suffer harm if they are enjoined from identifying themselves as something that they are not. Defendants are affiliates of the Liberal Party not of the Libertarian Party. Defendants can continue to present their opinions in the free and open market of ideas and be enjoined from confusing voters as to the origin and association of those opinions without causing harm to the Defendants. An injunction will cause no harm to the Defendants and instead will confer a benefit by providing voters with accurate information and a clear identification of political parties rather than allowing the Defendants to continue to sow confusion through the pretense of being licensed by and affiliated with the LNC.

D. The Public Interest is Served by Preventing Confusion Amongst Consumers and Voters About the Libertarian Party and its Affiliates

The final factor to evaluate in deciding a motion for preliminary injunction is whether the injunction would be adverse to the public interest. *Fish*, 840 F.3d at 723; *Beltronics*, 562 F.3d at 1070. In Lanham Act cases, the public interest is served by preventing confusion as to the source, sponsorship, affiliation, or approval of goods or services and by protecting the mark owner's goodwill. *See Beltronics*, 562 F.3d at 1071–72; *Team Tires Plus*, 394 F.3d at 833–34. In *Trial Lawyers College*, the Tenth Circuit upheld preliminary injunctive restrictions on a competing faction's confusing statements. 23 F.4th at 1272–74.

Persuasive authority similarly recognizes that the public interest supports enjoining splinter or former affiliated groups from using marks in a way that suggests authorization or affiliation. *See U.S. Jaycees*, 639 F.2d 134, at 142–46; *Opticians Ass'n of America*, 920 F.2d 187, at 195–98;

Church of Scientology Int'l v. Elmira Mission of the Church of Scientology, 794 F.2d 38, (2d Cir. 1986) (“The public interest is especially served by issuing a preliminary injunction against a former franchisee as a licensee’s status increases the probability of consumer confusion.”); *Republican National Committee v. Canegata et. al.*, No. 3:22-cv-0037 (V.I., St. Thomas and St. John Div.) (“When a ‘splinter group [of the GOP] continue[s] to use’ the trademarks that it no longer has permission to use, such a ‘concurrent use of the ... marks by both parties’ constitutes infringement by the splinter group.”) (Opinion granting PI attached hereto as **Exhibit 5**).

Because Defendants were previously affiliated with Plaintiff, and because they currently hold themselves out as associated with Plaintiff by their widespread use of the Plaintiff’s Mark, there is a substantial likelihood of confusion amongst consumers, voters, party members, potential members, and donors. Plaintiffs seek an injunction that enforces the truth and stops the ongoing confusion created by the Defendants.

II
PLAINTIFF’S FAMOUS MARK
ENTITLES THEM TO AN INJUNCTION AGAINST THE DEFENDANTS

In addition to trademark infringement, the Defendants’ unauthorized use of the Mark is diluting and tarnishing Plaintiff’s Mark. Under the Lanham Act, when a famous mark is used in commerce by an unauthorized party, the aggrieved party “shall be entitled to an injunction . . . regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury.” 15 U.S.C § 1125(c)(1). A famous mark is one that “is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark’s owner.” 15 U.S.C. § 1115(c)(2)(A). The statute lays out a number of factors to consider when determining whether a mark is famous: (1) duration, extent, and geographic reach

of the mark; (2) amount value, and geographic extent of sales and services offered under the mark; and (3) the actual recognition of the Mark. *Id.*

The Libertarian Party, using the Mark, has run Presidential candidates for the past fifty-two years. It has actively run candidates for other offices in multiple elections at the national, state, and local level for that same amount of time. Ex. 3. The Libertarian Party is a household name and brand across the United States. The Mark identifies the source of the products, services, and political platform of the Libertarian Party both in the United States but also internationally.

“Dilution by tarnishment is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.” *Harris Rsch., Inc. v. Lydon*, 505 F. Supp. 2d 1161, 1166 (D. Utah 2007). Here, the Defendants have, while using an identical mark, associated with an entirely different political party: the Liberal Party. While the Defendants are free to associate with whatever political party or movement they desire, they are not free to do so while using LIBERTARIAN PARTY®. By using the Mark, they are harming Plaintiff’s reputation by associating it with products and services that are not the ones of the Libertarian Party—and which negatively associate Libertarian Party with political positions that Plaintiff does not espouse. The Defendants’ actions have and continue to result in “the lessening of the capacity of a famous mark to identify and distinguish goods or services.” *King of the Mountain Sports, Inc. v. Chrysler Corp.*, 968 F. Supp. 568, 577 (D. Colo. 1997), *aff’d*, 185 F.3d 1084 (10th Cir. 1999).

CONCLUSION

Plaintiff respectfully requests that the Court enter a preliminary injunction against the Defendants which (1) enjoins Defendants from using LIBERTARIAN PARTY®, (2) awards fees

for the cost and legal fees necessary for this motion, and (3) grants any and all other relief to which Plaintiff may be entitled.

Date: May 29, 2026.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing document to be filed through the Court's CM/ECF system and to be served on all parties at their last known address through first class mail and a process server, by email through their Rule 4 agent Ms. Dern, and by filing with the Court Clerk under Rule 5(D) which caused which caused all parties to receive notice to be served.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LIBERTARIAN NATIONAL COMMITTEE,
INC.,**

Plaintiff,

v.

**LIBERTARIAN PARTY OF NEW MEXICO,
CHRIS LUCHINI, LAURA BURROWS, PAUL
MCKENNEY, FREDERICK SNOY, and JAMES
WERNICKE,**

Defendants.

CIVIL ACTION NO.:

1:26-cv-1562

JURY TRIAL DEMANDED

DECLARATION OF CARYN ANN HARLOS

Under 28 U.S.C. §1746, I, Caryn Ann Harlos declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. I was the Secretary for the Libertarian National Committee, Inc. (“LNC”) and national Libertarian Party (NLP) from May 2018 through July 2024. The duties of the national Secretary including keeping minutes and records of the LNC.

3. I was a member of the Libertarian Party Ballot Access Committee (“BAC”) for the 2022-2024 term during which time a petition for ballot access was conducted for the LNC’s recognized New Mexico affiliate.

4. Since 2016 through the present, I have been the Chair of the Libertarian Party Historical Preservation Committee (“LPHPC”). My duties as LPHPC Chair include custodianship of the LNC’s physical historical records including newsletters and press releases which are kept in a warehouse in my home state of Colorado.

5. During my tenure as LNC Secretary, I was a signatory on the Certificate of Nomination for the Libertarian Party national ticket for the 2024 general election in New Mexico on behalf of the LNC's recognized New Mexico affiliate.

6. According to the Party records, the LNC (or its predecessors in interest) has continuously used the Trademark LIBERTARIAN PARTY® in commerce nationwide since at least January of 1972. Doc. 1 at 3 and 4 are true and correct copies of a January 1972 Press Release and Newsletter of the LNC's predecessor in interest from the LNC's historical archives. True and correct copies of a March, 1972 Newsletter and a November/December 1972 Newsletter of the LNC's predecessor in interest from the LNC's historical archives are attached hereto as **Exhibits A and B**.

7. The LNC licenses the use of the Trademark to its officially recognized state level affiliates and their officially recognized sub-affiliates pursuant to its bylaws. Doc. 1-6 is a true and correct copy of the bylaws as of the date of the Complaint.

8. On or about August 25, 2022, the Libertarian Party of New Mexico (LPNM) notified the LNC that it severed its ties with the LNC so that "All connections between us are now totally and completely severed" which would terminate its rights to use the Trademark. Doc. 1-7 is a true and correct copy of the LPNM's News Release and letter to the LNC.

9. On or about September 11, 2022, the LNC conducted its own formal disaffiliation process. Doc. 1-8 is a true and correct copy of the minutes from the September 11, 2022 meeting.


10. On or about November 5, 2022, the LNC formally chartered a different organization as the official New Mexico affiliate. Doc. 1-9 and 1-10 are true and correct copies of the minutes from the November 5, 2022 meeting and the Petition for Affiliation for the new organization, respectively.

11. While I served on the BAC, a successful ballot access petition drive was conducted on behalf of the LNC's recognized New Mexico affiliate. The BAC was provided a copy of a correspondence confirming the success of this petition drive. Doc. 1-11 is a true and correct copy of the letter from the New Mexico Secretary of State, July 3, 2024.

12. During my tenure as LNC Secretary, I executed a Certificate of Nomination on behalf of the LNC's New Mexico affiliate for the Libertarian Party Presidential and Vice-Presidential nominees. Doc. 1-16 is a true and correct copy of the Certificate of Nomination.

13. During my tenure as LNC Secretary, the LNC sent or caused to be sent multiple cease and desist letters to the LPNM and its officers demanding that it immediately cease use of the Trademark. Doc. 1-20 and 1-21 are true and correct copies of the cease and desist letters dated October 4, 2022, and July 9, 2023 respectively.

Executed on 5/29/2026

Signed by:

07A16A7F9824410...

Caryn Ann Harlos

Libertarian Party

NATIONAL HEADQUARTERS:
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Newsletter

NUMBER 4

MARCH, 1972

Formula for success: "a member a month"

Encouraging as our progress to date has been, there are some cold, hard facts we must face. And primary among these is that if the Libertarian Party is to become a factor to be reckoned with in American politics, we must multiply our strength by approximately 100 in the next seven months.

If we can do this -- and there is no theoretical reason why we cannot -- we will be able to inculcate enough voters with libertarian ideas that we will have a measurable effect on the outcome of at least some of the races this November ... and, consequently, will be able to influence the course of events in the next few years. Otherwise, we will simply be relegated to the status of an obscure footnote in future volumes describing the establishment of the Total State in America.

Thus, it is absolutely vital that each and every LP member make an all-out effort to recruit new members, on a regular and continuing basis.

We point this out because, despite prior exhortations, too many members seem to feel that they have "done their bit for the cause" simply by sending in their \$4 or \$6 or \$12. We appreciate this support, of course, but if that's all you do, this party is going to be a failure. To be effective, you're going to have to make a concerted effort to reach other libertarians (and potential libertarians) and persuade them to "do their bit" too.

Thus, we strongly urge each and every one of you to set yourself a personal goal of bringing in at least one new member a month between now and November. This may be difficult for some of you, but it is not impossible. Each of you almost certainly knows seven people who can be persuaded to join and support the Libertarian Party -- friends, relatives, business associates, or whatever. And, even if you don't know seven such people, you can find them -- in your local SIL, YAF, JBS, ACLU or Liberty Amendment organization, if nowhere else.

To encourage your efforts, we have set up a new incentive program. Starting immediately, we will award a 14K gold Libersign Pin to all members who accumulate 10 membership points. This is a number low enough to be within everyone's reach -- five regular memberships, or three regulars and four students, or two sustaining and two regulars will do it, for example.

There is no time limit on this offer. And we will provide you with membership applications, free for the asking. (Just be sure to fill in your name as the source of information about the party, before you give them out, to assure credit for your efforts.) Other materials are available at very reasonable prices; we particularly recommend the use of the Temporary Platform, and reprints of the article "The Case for a Libertarian Political Party."

Some of you may feel that we at National HQ are becoming "pushy." Perhaps so, and if this offends you, we apologize, for no offense is intended. But the future success of this party depends on you. We hope you will accept this responsibility as a challenge and an opportunity.

PROGRESS REPORT

Despite carping comments from a few libertarians of the "neutralizer" and "too pure to participate" schools, the Libertarian Party has continued to move steadily forward during the last 30 days. Total party membership, in national and state organizations, is now over 300 -- which makes us (in terms of active, dues-paying members) the fourth-largest of the numerous "movement" organizations which have sprung up in the last five years.

In less than four months, LP members have distributed over 10,000 pieces of party literature, including nearly 2,500 copies of the Temporary Platform -- with material now going out of National HQ at the rate of over 1,000 pieces per week.

This is quite an achievement; to our knowledge, no other libertarian group has ever accomplished so much within such a short time of its founding. Those of you who have made this possible deserve the highest commendation. In particular, thanks are owed to Paul Lepanto in New York, June Grem in Illinois, Pete McAlpine in Michigan, Luke Zell in Colorado, and John Taylor in California.

Many others have also done an outstanding job, but space limitations prevent a complete listing. So, to all of you who have done so much, many thanks -- and keep up the good work.



TANSTAAFL



"They say the best things in life are free;
Well, you can give them to the birds and the bees;
I need money, that's what I want."
-- Barrett Strong



It has been observed that an army travels on its stomach; in the same sense, it can be said that a political organization travels on its wallet. And, at the moment, our wallet would be good for a trip around the block.

This is not a serious problem, at the moment. For the next couple of months, we're not going much beyond the end of the block, in any case. But come June, we're going to need a lot of bread if we're going to accomplish much. We'll have a candidate to fly around the country, tons of literature to print up and distribute, and an office to run -- not to mention ads to run in mass-media publications, and (hopefully) some TV spots, devoted to specific issues.

A lot of these expenses can be taken care out of membership dues -- provided we get the 10,000 members we're aiming for. But some of them will be too big, and in any case, we'll need the money (or at least part of it) before we get the members; indeed, unless we get the money, we won't be able to reach people to persuade them to become members, and/or to contribute to the LP's campaign.

So, we've decided to set up some special funds to take care of certain specific expenses. Following is a description of these funds, in order of increasing amount required, and also in order of urgency of need.

We know that most of you out there aren't rich. But, undoubtedly, many of you have access to people who are rich. And our experience is that it's far easier to get money for a specific purpose than for unspecified use.

We hope that all of you will try to contact wealthy people of libertarian inclination, and get them to agree to underwrite all or part of the following funds; if you can't get a substantial amount from any one individual, try a group.

CONVENTION FUND. \$1,000 to cover some of the costs of our June get-together. The more we raise, the lower we can keep the cost to participants -- and the more people who will therefore be able to attend.

OFFICE EXPENSES. \$2,500 to pay for a real, fully-equipped office (including the huge phone bills that are inevitable) for five months, early June thru early November.

SALARIES. \$5,000 to pay two people to work full-time for that same five-month period. Volunteers can do a lot, but two full-timers is a must.

TRAVEL EXPENSES. \$5,000 to send our candidate and/or other spokesmen around the country, spreading the good word.

ADVERTISING. \$10,000 to pay for a few ads in large-circulation publications. Once we get the first few placed, our advertising should be self-sustaining -- i.e. the ads will bring in enough new members and contributions to pay for more ads. But we have to have "seed money" to get started.

\$23,500 may sound like an immense amount -- but it's only about 1/1,000th of the amount the major parties will be spending, and any less than that will have no effect. So, please -- wrack your brains a bit, and go hit up some potential contributors, even if all you get is \$50 or \$100. We'll report on the progress of each of these five funds, in future issues.

STATE CHAIRMEN

We now have State LP Chairmen in five states, rarin' to go, with several other states on the verge of organizing. Contact your state chairman, if you live in one of these states, for plans on activity. And if you know someone in one of these states who might be interested in joining the LP, send their name to the state chairman, and write to your friend telling him how he can get active in the party.

COLORADO -- Luke Zell, 4785 Stanton, Colorado Springs, Colorado 80907

OKLAHOMA -- D. Frank Robinson, 330 SE 26th St., Oklahoma City, Oklahoma 73129

TEXAS -- Keith R. Jones, 7412 Southway, Houston Texas 77017

UTAH -- Karl J. Bray, 425 W. 880 North, Provo Utah 84601

WYOMING -- Bruce Jones, 168 N. 9th, Apt. #1, Laramie, Wyoming 82063

MEMBERSHIP GOALS

1,000 by Convention Time

10,000 by Election Day

The Libertarian Party Newsletter is published on the 15th of each month, by the national office of the Libertarian Party. Items of interest to political activists in the libertarian movement are welcome. Editor: David F. Nolan.

POLITICAL PERSPECTIVE

II. THE RETURN OF HORRIBLE HUBERT

After only two primaries (New Hampshire and Florida), several facts are already evident. First, and least surprising, is the fact that Dastardly Dick will have no difficulty in obtaining re-nomination as the GOP's candidate for President. McCloskey has already withdrawn from contention (as we predicted in our last issue), while Ashbrook has failed utterly in his attempt to challenge Nixon from the right. For better or for worse (mostly for worse), Nixon's the one for the GOP -- and the GOP can now be crossed off the list of vehicles which offer some hope for libertarians -- probably forever.

On the Democratic side, there is as yet no clear indication who will be the nominee. In a way, this makes very little difference to us, because none of the likely choices is even remotely acceptable to libertarians. Nonetheless, some comments would appear to be in order.

Foremost among the points to be made is that, despite the wishful thinking of some libertarians and conservatives, the supposed differences between the various Democratic alternatives are largely illusory. If one takes the trouble to peer beyond the bilious rhetorical clouds, one finds that Muskie, Humphrey, Jackson, and Kennedy (to name but four), have absolutely identical voting records on the ten key issues used by The Review of The News to rate Senators for the 1971 session of Congress. So much for the hoopla promoting one or another of these gentlemen as being a secret hope for truth and beauty.

This is not to say that they are worse than Nixon; on balance, they probably aren't. But the choice we face between Nixon and one or another of these men is not one between John Galt and Attilla the Hun; rather, it is one between various versions of Wesley Mouch.

None of the Democratic prospects can even be rated "fair" by libertarian standards; they vary only in degree of poorness -- ranging from mediocrity personified (the Trumanesque Mr. Yorty) to abysmal (George McGovern, the Senate's leading proponent of socialism and surrender) to ridiculous (Shirly Chisholm).

But enough of value judgements. What of viability?

Well, to begin with, it seems almost certain that when the smoke clears, the Democratic nominee will be one of three men: Muskie, Humphrey, or (possibly) Jackson. Hardly an appetizing array. And this writer will place his chips on Humphrey, for the following reasons ...

Mr. Muskie, once touted as the front-runner, has stumbled badly, twice in a row. Unless he manages a miracle in the next few weeks, his star will continue to fade. And the prospects for a miracle are poor. Muskie,

when all is said and done, is a dour and uncharismatic man from a small and unimportant state. He lacks solid support in any of the four traditional mainstays of the Democratic party -- labor, the South, the intellectuals, and the minority groups.

McGovern, despite his surprisingly high showing in New Hampshire, also lacks any real power base. Indeed, it seems likely that the only reason he did well in New Hampshire was that the supporters of Humphrey, Kennedy and Lindsay voted for him as a "stop Muskie" move.

Jackson, although popular with some Southerners and some of the labor bosses, lacks the big name, charisma, and funds to mount an effective campaign for any length of time.

HIII, in contrast, is well-known, and can count on Big Labor to back him to the hilt; after all, he's been their errand boy for years. He's acceptable to the Southerners (witness his strong showing in Florida), acceptable to minorities, and has zillions of old political debts to collect on.

But what of Kennedy? It seems that Teddy has made up his mind not to go for the top this time, except perhaps in the case of a hopelessly deadlocked convention; Chappaquiddick is still too fresh in the minds of the voters. Instead, according to reasonably reliable rumors, he wants the Vice Presidency -- which would free him of his onerous Senate duties, and allow him to gallivant around the cesspools of the world, and assure him of the Presidential nomination in '76 or '80, when his chances of victory would be far better.

So, Kennedy has made a deal with HIII, according to many pundits. He'll keep out, and work for Hubert behind the scenes, in return for the VP spot. And it makes sense. Ted can't possibly run with Muskie (they're both New England Catholics), but a four-year term under Hubert would suit him fine -- and a four-year term it is likely to be, for HIII is old, and more than willing to promise Teddy that he'll serve only one term, and then support Ted in '76, in return for Ted's support now.

Thus, it seems likely that HIII will pull it off, drawing on both his own resources and Kennedy's; it is not unlikely that HIII's fellow agrarian radical, George McGovern, is merely a catspaw for Teddy, having been deployed for the purpose of siphoning votes away from Muskie. There are numerous "ex" Kennedyites in the McGovern effort, and a lot of mysterious Big Money appearing to finance Lonesome George.

So there you have it. Barring a coalition of Muskie, Lindsay, and Jackson against Hubert, it seems that the coldwar liberal has the best chance... and that we face a replay of 1968. Dick & Spiro versus Hubie and Ted; it's sort of like "Godzilla vs. the Smog Monster." Does anyone now doubt that we must run a candidate of our own, if for no other reason than to offer a standard to which wise and honest men may repair?

DFN

BITS & PIECES

PENDING LEGISLATION

Vivien Kellems, the tax crusader, has asked for our help in her current project to remove the unfair tax burden (is there any other kind?) on singles and childless marrieds. To help, she asks you to urge your Congressman to support HIR 850, and your Senators to support S869. Wilbur Mills also needs a push to get him to hold Ways and Means hearings on HR 850.

NEW PUBLICATION

OUTLOOK, The Libertarian Monthly (formerly The Abolitionist) began publication this month. Regular columnists for this journal of political commentary and satire will include Rothbard, Childs, Greenberg, Hess, Tuccille, and Baker. Subscriptions are \$5/yr; \$9/2 yrs; \$13/3 yrs; trial 3-issue sub, \$1. Write to OUTLOOK, Box 1027, Newark, N.J. 07101

IDAHO BALLOT REQUIREMENTS

Dennis Hollenbeck has provided us with the following info concerning Idaho's ballot requirements: 1,500 petition signatures are required; legislation is still pending to determine the deadline.

HARRASSING POLITICIANS THE EASY WAY

Many of you are undoubtedly receiving appeals for support from various power seekers. And often, these mailings contain postpaid return envelopes, for you to use in mailing back a check. Why not use these to send the politco in question a piece of LP literature? It just might have an effect, and, at worse, you've caused the pig to waste 8¢.

LP CITED IN NEW BOOK

The 1972 edition of Key Influences in the American Right (us?!) contains a writeup on the Committee to Organize a Libertarian Party. Also items on several other libertarian groups and publications, as well as many conservative groups. Copies are available from the publisher, Polifax Press (PO Box 20067, Denver 80020) for \$2.50. Or try one of the libertarian booksellers.

CONTEST DEADLINE EXTENDED

The deadline for the Membership Recruiting Contest announced in January, whereby LP members can win cash prizes up to \$100, has been extended one month, to May 30th.

NEW EXECUTIVE COMMITTEE MEMBER

Bill Danks (1645 Dole Street, Apt. 402, Honolulu, Hawaii 96822) has accepted a position as a TEC rep from Region 1. Bill, as you may recall, was a leading figure in the Census Resistance two years ago.

LIBERTARIAN CANDIDATES

Steven D. Symms, Republican candidate for Congress in Idaho's 1st District. Steve is a fruit grower in Caldwell, Idaho (home of Caxton Press), and, judging from his campaign literature, is "our kind of man." He believes that "What this country needs is to respect property and human rights (which, common sense tells us, are one and the same), and to strive for maintaining free entry into the market for everyone. No favorites, no free lunches, and no exceptions." We understand that Steve has been using our Temporary Platform as a source of position statements. We could certainly use Steve in Congress, so if you'd like to contribute to his campaign, write to him at Route 6, Caldwell, Idaho 83605.

Guy W. Riggs has announced for a seat in the New York State Assembly (99th District), as a Libertarian-Independent candidate. An executive with IBM, Guy asks "What would I do for you as your Assemblyman?" and answers by saying "Absolutely nothing!" Beautiful! His material states that he is "not for civil or economic liberty, not human or property rights, but for the unalienable right of every human being to his or her liberty and property." New York libertarians certainly have someone to work for this year -- and aid from non-New-Yorkers would be welcomed. Guy's address is PO Box 1776, Poughkeepsie, N.Y. 12601.

If there are candidates like these in your state (you, for instance), let us know, so we can publicize their efforts.

**3 Ways to get
an attractive
Libersign Pin**



Display your commitment to libertarianism; set yourself apart from the collectivist herd by wearing a solid 14K gold Libersign Pin! You can get one by any of the three following methods ...

- 1) BUY ONE -- for only \$4.95, from Fran-tonia Specialties, Warren, R.I. 02885
- 2) BECOME A LIFETIME MEMBER of the LP, and we'll send you one in appreciation, or
- 3) ACCUMULATE 10 MEMBERSHIP POINTS, and rip off a freebie!

Act today; supply is unlimited! No well-dressed libertarian should be without one of these attractive 3/8" doohickies; may be used as a tie-tac, lapel pin, scarf pin, thumbtack, or secret weapon (supply your own curare)! Such a deal!

LP NEWS

NUMBER 11 NOVEMBER/DECEMBER 1972

Libertarian Party

NATIONAL HEADQUARTERS:
7748 LOWELL BOULEVARD
WESTMINSTER, COLO. 80030
PHONE (303) 429-0400

Hospers vote projected at 5,000+

With official, final figures still unavailable, due to the lethargic nature of government election officials and the low priority given to write-in votes, we are unable to report with certainty the actual number of votes that will officially be reported as having been cast for the Hospers-Nathan ticket. All available evidence indicates that the final total will be in excess of 5,000 however, which means that the real total is probably in excess of 10,000, as write-in votes are not even tallied in many states.

As expected, the LP ticket did the best in the two states where Hospers and Nathan were listed on the ballot. In Washington, the State Election Commission has stated that the H-N ticket pulled about 1,400 votes; all returns except absentee ballots are included in this figure. In Colorado, final and complete returns give the LP ticket 1,108 votes. In each of the two states, the Hospers-Nathan vote works out to slightly better than one vote out of every 1,000 cast, which is not bad, in view of the fact that LP membership in each state was less than 75 as of Election Day.

In California, where there was a write-in effort, returns are available only from Los Angeles County, where the LP ticket drew over 300 votes. California LP leaders are confident that the statewide total will be near or above their goal of 1,000 votes.

Starting from a three-state total in the area of 3,500 votes, we can add 50 votes from Utah, 150 from Texas, and 95 from three precincts in Anchorage, Alaska (Alaska total will no doubt be considerably higher). Reports from other states where an organized write-in effort was conducted are not yet available; it seems reasonable to assume that at least another 1,200 votes were cast for Hospers and Nathan in the 44 other states, thus bringing the nationwide total to at least 5,000. Actually, this is a conservative estimate; the reported total may be in excess of 7,000, and might even be 10,000, although we doubt it. We hope to get final, complete figures from Congressional Quarterly, which tallies these figures, by early next spring.

The raw figures are not of as much interest as some of the data that can be gleaned from them, however.

First, and perhaps of most immediate interest, is the fact that the LP did better, in terms of votes, than several other, better-known and more experienced minority parties, in the two states where all significant minority parties were on the ballot (Washington and Colorado).

In Washington, there were a total of eight parties on the ballot -- the two major parties, us, the American Party, the Communist Party, the Peoples Party, the Socialist Labor Party, and the Socialist Workers Party. In Colorado, the Prohibition Party was also on the ballot, bringing the total to nine.

In Washington, we ran third of the six smaller parties -- behind the American and Peoples Parties, but ahead of the Communists and the two Socialist Parties. In Colorado, we ran fourth out of seven -- behind the American, Peoples and Socialist Labor Parties, ahead of the SWP, CP, and Prohibition Party.

This indicates that given an opportunity to reach the voters, we can do at least as well as other minority parties. In other words, we are a viable minority party (and, indeed, have been recognized as such by virtually every political analyst who has commented on minority party activity this year).

This data also indicates that if we can get on the ballot, we can draw about 20 votes for every party member we have in a given state. Thus, if we can increase our membership to 32,000 by 1976 (a conservative estimate; see article elsewhere in this issue), and can get the election laws revised to eliminate discrimination against minority parties, we can pull 640,000 votes in 1976 -- which could easily make us the most significant minority party in America, in terms of numbers (we're already the most significant, in terms of ideas). A good goal, it seems to your editor, is a cool million votes in '76.

Another way of looking at the data from the '72 election is to see how our candidates for state and local office performed.

In Colorado, we were able to get two LP candidates on the ballot -- Pipp Boyls for Congress, and Hue Futch for State Legislature. Both Pipp and Hue pulled about 1½% of the

vote, in their respective races (2,000 votes out of 150,000 and 240 out of 16,000 respectively), even though both ran with practically no money, and very few campaign workers (Hue had about \$120, and six workers; Pipp had about \$1,000 and about 20 workers). These figures indicate that even with limited resources, we can draw 1 $\frac{1}{2}$ % of the vote, which would work out to 1.2 million votes, nationwide in an election where 80 million votes are cast. And we should have about as many members in each Congressional District, on the average, throughout the nation in '76 as we had in Pipp's District this year.

A third statistic of interest. In the states where Hospers and Nathan were on the ballot, our cost per vote received was about 50¢ -- as compared to about \$1 per vote for Nixon, McGovern and Schmitz. And minority parties usually get less votes per dollar spent than the major parties! This 50¢ per vote figure also held true for Pipp Boyls and Hue Futch.

All these figures indicate that if we can get members, money, and ballot listing, the LP has a great future in store. Whether this future potential is realized is up to you.

SYMMMS WINS IN IDAHO

Steve Symms, a libertarian running for Congress as a Republican in the First District of Idaho, pulled off an unexpected miracle, and won.

Steve, an unabashed libertarian, didn't even expect to make it past the primary, but won an upset victory in a three-way race, and then went on to win by a handy margin (about 55% to 45%) in the general election.

Ralph Smead, the man who was behind Steve's entry into the race, attended the LP ExecComm meeting in Albuquerque, and said that Steve appreciated the endorsement LP had given him, and hoped to co-operate with us in the future. Ralph also showed films of Steve's TV spots, which were a refreshing change from the usual BS. In one, Steve urged citizens to "take a bite out of government," illustrating his point by biting into an apple (Steve is an apple grower). In another, he asked why U.S. citizens are not allowed to own gold, and in yet another, he pointed out the dangers of gun-control laws, and urged their repeal. And in practically every spot, he stated that "the issue is freedom," and called for "Less Government."

Steve took many stands directly from the LP National Platform, and used an adaptation of our arrow-and-TANSTAAFL emblem on much of his literature.

We congratulate Steve on his victory, and look forward to seeing a Congressman stand up for liberty in the House of Reprehensibles.

(A note of interest on the Symms race. Idaho is probably the most libertarian state in the country, and thus is probably the only state where a libertarian could capture a GOP nomination. Idaho gave John Schmitz 9% of its Presidential vote; the highest percentage he drew in any state.)

IN OTHER RACES...

Elsewhere, libertarians did not fare as well. In Massachusetts, Avi Nelson failed, by a narrow margin to capture the GOP nomination for Congress in the Third District. This is no doubt partly due to the fact that (in contrast to Idaho) Massachusetts is probably the most "liberal" (i.e. collectivist) state in the country. Nelson, however, tried to downplay his libertarianism, running as a 100% Nixon man; it didn't help, and he lost anyhow -- which perhaps serves him right, for abandoning his principles.

In New York, Guy Riggs was unable to get on the ballot in his attempt to run for the State Assembly. He assures us that he'll be back again, however.

Also in New York, Gary Greenberg and Walter Block were ruled off the ballot, even though they both had far more than the necessary number of signatures. Apparently, the Democratic incumbent in Gary's Congressional District was getting scared; according to the NY LP, he and his cronies spent over \$10,000 to get Gary and Walter disqualified

Similarly, in Illinois, the Democratic incumbent challenged Paul Stout's petitions, and managed to tie up the court hearing until after the ballots had been printed, without Paul's name on them.

Despite these actions, both Gary and Walter in New York and Paul in Illinois continued to distribute literature; although their constituents were denied the right to vote Libertarian, they did get to hear some libertarian ideas.

No data is available on the efforts waged by Manny Klausner in California, Pasquale Giordano in Georgia, and David Odden in Washington. From what we have heard, none of them received more than a handful of votes (only Odden was on the ballot), but all of them did a great job of disseminating libertarian ideas.

IMPORTANT NOTICE

In accordance with the decision reached by the National ExecComm in Albuquerque, the LP Newsletter will be published on a bi-monthly, rather than monthly schedule during 1973. LP Members who are receiving the Newsletter as part of their membership will receive issues until the expiration of their current membership. Those who subscribe as non-members will have their subscriptions extended so that they will receive their full twelve issues. New subs will receive only six issues for their \$2.

The LP Newsletter is published by the National Office of the Libertarian Party. Items of interest to LP members are welcome. David F. Nolan, Editor.

Base Circulation This Issue: 931 Copies

POLITICAL PERSPECTIVE

VIII. FOUR MORE YEARS

To nobody's surprise, Richard the Lyin' Hearted swept to a landslide victory over George McGrovel; the only aspect of his triumph that was in any way amazing was its sheer magnitude. Six months ago, even the most pro-Nixon estimates gave McGovern more states and a higher percentage of the vote than he actually got.

Indeed, McGovern lost so badly that one is tempted to agree with those who claim that the match was fixed from the start; that McGovern was trying to lose. Certainly, he managed to do just about everything that he could to assure his own defeat, from taking stands calculated to drive even the most rabidly anti-Nixon conservatives back into the Nixon camp, to dumping his Vice Presidential candidate in the manner that would most effectively undermine his own integrity and credibility.

But, whether McGovern blew it deliberately, or simply through his own ineptitude, the net result is that Nixon not only won, but won by such a margin that he now has a mandate to do whatever he (or those who control him, if there be such) may choose.

What course he will follow we cannot say; his first remarks following his victory contained some anti-bureaucratic rhetoric, but we don't place much faith in Nixon's rhetoric.

Our guess is that the second four years of Nixon will be much like the first four. Increasing commitment to international involvements, more inflation, more controls, and, perhaps, an economic crash.

In any event, the picture that is already shaping up for '76 is not a pretty one. Assuming that he will accept it, Teddy Kennedy has the Democratic nomination in his pocket. On the Republican side, we can expect to see Spiro Agnew making his bid, although not without competition from such perennial favorites as Rockefeller and Reagan, along with a "liberal" Senator or two (e.g. Percy and Taft), and perhaps a couple of phony conservatives (e.g. Brock, Dole and Gurney).

So, when the dust clears, we will probably face a choice between Kennedy and some Nixon surrogate. And, given the fact that things will probably be in even more of a mess than they are now, plus the fact that Teddy Bear has "charisma," we can expect the American voters to run to EMK in '76 just as they ran to FDR in '32. And the thought of a Teddy Kennedy administration is enough to scare even your normally impeturbable editor.

So where does this leave us? As I see it, we have two options. One is to do the Ayn Rand trick, and throw our support to the GOP candidate, in hopes of stopping Teddy. The other is to immediately begin a massive educational effort to make the American people realize that the current Administration's policies -- particularly in the economic sphere -- are leading us toward disaster, and that the only hope for improvement lies in a reversal, rather than an amplification, of those policies.

The former course would be a great error, as I see it, for two reasons. First, because it probably wouldn't work, anyhow; barring some miracle, it seems certain that Teddy Kennedy is going to win in '76, if he runs. And more importantly, because if we do throw in with the GOP even once on the "lesser of two evils" basis, it will permanently destroy our credibility as a party of principle.

The second course, in contrast, offers us an opportunity to make a great deal of progress in converting people to the libertarian viewpoint. If we, and we alone in the political arena, correctly predict what is going to happen, and why, then people will be far more inclined to turn to us to get them out of the mess.

In other words, we must prepare now to take advantage of the widespread public dissatisfaction that is inevitably going to occur when present policies result in catastrophe.

— DFN

LP MATERIAL IN STOCK

The following items are the only ones currently available from LP National. Minimum order \$2. 10% discount on orders of \$20 or more.

MEMBERSHIP APPLICATIONS -- no charge up to 24; 1½¢ each for 25 or more.

1972 PLATFORMS -- less than 10 copies, 15¢ each; 10-24, 12¢ each; 25-99, 10¢ each; 100-999, 8¢ each; 1,000 or more, 6¢ each.

NEWSLETTER -- this issue only available; same price schedule as Platforms, above.

POLITICAL ACTION MANUAL -- \$1.25; 3/\$3; 6/\$5; 15/\$10; 25 or more, 60¢ each.

HOSPERS 4th OF JULY SPEECH -- revised to include short membership application, 35/\$1; 100/\$2.50; 500/\$10; 1,000/\$17.50; 5,000/\$75.

LAISSEZ FAIRE BUTTONS -- 1¼" with Libersign, 25¢; 3/50¢; 7/\$1; 25/\$3; 100/\$10; 250/\$20.

STATEMENT OF PRINCIPLES -- 11" by 14" in hand lettered script, on heavy textured paper, \$1; 3/\$2; 10/\$5.

WHERE THE MONEY WENT -- paperback exposé of bureaucratic bungles totaling \$180 billion, 75¢ (only six copies left).

thanks

Although it would be impossible to thank the many, many individuals, organizations, and publications that went "above and beyond the call of duty" in helping the LP during the '72 campaign, we would like to take a few paragraphs to cite a few of those who did the most.

Undoubtedly, we will miss some of those who deserve special commendation, and for this we apologize. And, of course, it goes without saying that each and every LP state chairman deserves the special thanks of all libertarians everywhere.

To turn to specifics, however, it should be obvious that the very deepest thanks should go to our Presidential and Vice-Presidential candidates, Dr. John Hospers and Mrs. Tonie Nathan.



John and Tonie had the courage to accept the nominations of a previously unheard-of party, thus subjecting themselves to scorn and abuse on the part of many people, and incurring an obligation to spend literally thousands of hours of their own time on a venture that offered them no immediate personal gain. There will be others who take up the banner they carried, in future years, but they were the first -- and for this they deserve our special and undying appreciation.

Second only to the thanks owed John and Tonie are those owed to Bill Susel and Ed Crane, who served as the campaign managers for the two candidates respectively, spending great amounts of their own time and money in the process.

Special thanks are also owed to the many people who performed various services for the LP and its candidates. Among these are Dr. Marvin Edwards in Oklahoma, Georgiann Trammell in Texas, Andrew and Priscilla Ketchen and Ken and Cynthia Knapton in New Hampshire, and Winston Duke in Illinois, all of whom were responsible for providing facilities, raising funds, and arranging publicity for John and Tonie while they were on tour in those respective states.

Two other individuals who deserve special mention are Jim Davidson, in Washington DC, who sent out a mailing to 7,000 libertarians at his own expense, and Taya Boyls in Colorado, who oversaw the operation of the Campaign Fund, a task which included the sending of over 150 "thank-you" letters.

And finally, thanks are owed to the New Right Coalition, which was the only organization (to our knowledge) that officially endorsed the LP ticket.

BITS & PIECES

INFORMATION ON SIL AND REASON ENCLOSED

Enclosed with this Newsletter, you will find material describing the Society for Individual Liberty, and Reason magazine. We urge you to study this material carefully, and to join SIL and subscribe to Reason if you are not already a member or subscriber. SIL is the largest libertarian organization in America (about 3,000 members to our 2,000), and offers many good educational items; the local SIL chapter is also probably your best place to locate new LP members. Reason is by far the best libertarian magazine being published, and has given the LP more coverage than any other publication.

GREEN SHEET ADDENDA

Enclosed you will also find a new "green sheet," listing LP officers and state chairmen. And (alas) it's already out of date. Alaska LP's address is now Box 726, College, AK 99701. And the Temporary State Chairman in Arizona is now Freeman Fox, 2930 E. Osborn Road, Phoenix AZ 85016.

TREASURY DEPT COMPILING GUN-OWNER LIST

We have been informed that the Treasury Dept. has ordered all gun shops to report the names of everyone bringing in guns for repairs. So, if you have a gun you don't want Uncle Sam to know about ...

SILVER SALES AGENTS WANTED

Utah LP Chairman Karl Bray is setting up a nationwide organization of libertarian silver and gold sales agents. If you're interested, contact Karl at the address on the "green sheet."

POWELL MEMORANDUM ON FREE ENTERPRISE

Of possible interest to LP members is the memorandum drafted by Lewis F. Powell (now a Supreme Court Justice), for the National Chamber of Commerce. Entitled "The Attack on the American Free Enterprise System," it outlines some of the problems we face, and suggests some solutions. This memo might be a door-opener for local LPs to get invitations to speak to local Chambers of Commerce. The memorandum is available free from the National Chamber, 1615 H. Street NW, Washington DC 20006. Ask for Reprint #2900.

the year one

On December 11, 1972, the Libertarian Party will be one year old. And some year it has been!

When the eight individuals who originally set up the Committee to Organize a Libertarian Party met on that December day a year ago, and decided to dissolve the Committee and go ahead with the Party, the as-yet unofficial Party had 42 members. In the one year since that time, that number has grown to about 2,000.

In its first year, the LP took in and spent over \$24,000; we currently have \$1,370 in our treasury, with about \$500 owed to us by various people.

We nominated a Presidential ticket, and our two candidates, Dr. Hospers and Mrs. Nathan, traveled a total of over 10,000 miles, and spoke to over 5,000 people in person, and reached an estimated 25 million via radio and TV. The Party, and its candidates, received newspaper and magazine writeups totalling approximately 2,000 column-inches that we know of; the actual total was almost certainly at least twice that much. (2,000 column-inches is the approximate equivalent of 12 full-size newspaper pages, or 24 tabloid pages.) The papers and magazines giving us coverage ranged from The New York Times, Denver Post, and Chicago Tribune and other such "establishment" papers to underground papers like the Village Voice and Los Angeles Star. Even the government gave us some coverage, via the Stars and Stripes and the Public TV Network. We got mentioned in Newsweek, and Jeffrey St. John gave us a good story on the CBS radio network program Spectrum.

Of course, we didn't confine our efforts to mass media. We distributed over 100,000 pieces of literature from the National Office (and at least another 100,000 pieces were produced by the various state and local LP organizations).

We ran or endorsed a total of twelve candidates in addition to our national ticket; only one of them won, but they got out a lot of libertarian ideas -- more than anyone else has done, excepting only a few of the most famous prolific libertarian authors.

The LP is now generally recognized as one of six significant minority parties in the United States -- no mean achievement, considering the fact that there were over a dozen candidates running for President this year, not counting Nixon and McGovern. In the two states where Hospers and Nathan were on the ballot, they outpolled several of the other minority-party candidates, despite the fact that we had less people and less money.

In sum, the LP has done more, in its first year of existence, than any other libertarian organization has ever done in an equivalent

time. The credit for this achievement belongs to you, the members -- for your work, your ideas, and your financial contributions.

We cannot rest on our laurels, however. It would be the greatest of tragedies if we were to drift away, to "let things go" until 1976, or even 1974. We must press forward with the greatest vigor -- educating, recruiting, and organizing.

Our period of most rapid growth, in terms of percentage gains, is now behind us. Never again will we multiply our membership by a factor of forty-plus in one year. We have already got the majority of the hard-core libertarians who are interested in political action; from now on, we will have to break fresh ground.

The National Office will be doing everything it can to generate new leads, but the brunt of the burden will fall on the state and local organizations. We can locate some of the people who are prime prospects (although the state and local organizations should be doing this, too). Once we have located them, however, it is up to all of you out there to win them over and sign them up.

We think that even the most conservative growth estimates indicate that we can double the LP's membership each year for the next four years; this growth rate, which works out to a paltry 6% per month, compounded, will give us 4,000 members by the end of '73; 8,000 by the end of '74; 16,000 by the end of '75; and 32,000 by the end of '76. If we can average 9% per month, we will triple our membership each year, giving us 160,000 members by the end of '76. And if we can average 12% per month, we will quadruple in size each year, giving us over half a million members by the end of '76.

How far we go depends on you. So don't slow down now, just because the election is over.

As noted above, our total national and state membership is now approximately 2,000, with 40% of that figure being national members, and 60% being state members. Nationwide, we now have about 10 members per million population, on the average, but some states are far ahead of others, and deserve special mention.

CALIFORNIA -- Now has over 350 members, making it by far the largest state LP organization.

NEW YORK -- with approximately 200 members, is number two.

TEXAS and ILLINOIS -- with over 100 members each, are running neck-and-neck for third.

ALASKA -- with 17 national members, and over 25 members altogether, has by far the highest number of members per capita.

There are still three states where we have no members at all -- West Virginia, North Dakota, and South Dakota.

EXECCOMM VOTES

The LP National Executive Committee met in Albuquerque, NM, on November 25th, with 12 of the 18 voting members present. At that meeting, which was also attended by about 25 non-voting observers, the following actions were taken.

DUES LEFT UNCHANGED, NEWSLETTER TO BE PUBLISHED BI-MONTHLY IN 1973

After considerable discussion, it was decided not to raise National LP membership dues for 1973, but rather to decrease the Newsletter's publication schedule from monthly to bi-monthly during the coming non-election year. Although a previous survey had indicated that 85% of the national members would be willing to pay dues at a 25% higher level, the ExecComm felt it was better to keep dues low. It was also noted that nearly 2/3 of the cost of producing and mailing the Newsletter was in postage and handling costs, so a great deal could be saved by going bi-monthly. It was felt that during a non-election year, a bi-monthly schedule would be sufficient to convey news, also. Subscription price for a Newsletter subscription alone (i.e. not as part of a membership) was reduced from \$3 to \$2 for one year (now 6 issues, instead of 12).

ADS IN ANALOG, INTELLECTUAL DIGEST APPROVED

It was voted to spend \$900 to run two ads in non-movement publications, to reach new prospects. \$300 will be spent for a half-page ad in Analog Science Fiction, and \$600 for a half-column ad in Intellectual Digest. The Analog ad will promote the LP directly, while the ID ad will promote the paperback edition of Dr. Hospers' book; the latter is to take advantage of a 40% reduced rate for book ads. The book orders will go directly to Reason, the publisher, and Reason will forward to us the names of all respondents. In addition, Reason is giving us six full-page ads at no charge, in return for our paying for the ID ad. Both of these ads will run early next Spring.

"DECLARE YOUR INDEPENDENCE" SET AS LP THEME FOR NEXT TWO TO FOUR YEARS

It was voted to drop "Break Free" as our over-riding theme, and to adopt the theme "Declare Your Independence," which it was felt will tie in well with the upcoming bicentennial. New bumperstickers, buttons, and brochures centered on this theme will be available soon; details in next Newsletter. It was also voted to continue carrying Dr. Hospers' 4th of July speech, and to re-stock the ever-popular "Laissez Faire" buttons with the Libersign.

"SATELLITE" ORGANIZATIONS APPROVED

Approval was given for the establishment of four "satellite" organizations, which will work on special projects of value to the Party. These are a Committee to lobby for easier ballot requirements for minority parties, a candidates' advisory committee,

a consumer-rights organization which will publicize the anti-consumer-interest effects of government "protective" legislation" and will mobilize public sentiment on this point, and a publishing/services outfit which will produce, catalog and supply a wide variety of material for LP members and state organizations.

EIGHT STATES' AFFILIATIONS APPROVED

Affiliation petitions submitted by state LPs in Missouri, and Colorado, Michigan, Minnesota, New Jersey, New Mexico, Ohio and Pennsylvania were accepted, bringing the total of recognized state LP affiliates to 15, up from 8 prior to the ExecComm meeting (Michigan was already recognized, but submitted a petition any how). A petition from Arizona was rejected, after evidence was presented that there were irregularities in that state's temporary organization. A petition from Wisconsin was approved subject to resubmission with signatures, rather than typed names. A motion by some California LP members to remove recognition from the currently recognized organization, headed by Alan Coon, and accept a petition from their group instead, was rejected.

It was voted that in the future, petitions for affiliation cannot be submitted until a state convention has been held, at which the National LP Statement of Principles is endorsed, officers elected, and a state Constitution and By-Laws adopted. This will hopefully eliminate problems of the type which arose in the Arizona and California situations.

OTHER ACTIONS TAKEN

A resignation from the ExecComm, submitted by James Bryan of Oregon, was accepted, and the resulting At-Large vacancy was filled by electing Paul Hodgson, previously ExecComm member from Region 8. This leaves a vacancy to be filled by Region 8.

It was voted to take the money remaining in the Campaign Fund (about \$155) and return it to the Party's national treasury, as partial repayment of the \$250 given to the Campaign Fund in June.

It was voted that in the future, National LP will not invoke the FCC "Fairness Doctrine" to get equal time on radio and TV. State organizations and individual members may do as they wish.

The 1973 LP Conference (off-year Convention) will be held the second weekend in June. Location is not yet established, but should be known by the time of the next Newsletter.

Paul Hodgson was given the authority to draft a letter to Ayn Rand, pointing out her inconsistencies in endorsing Nixon, and asking her to explain her position. Draft will be submitted to ExecComm by mail for approval before it is sent, and will be signed by those ExecComm members who wish to do so.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LIBERTARIAN NATIONAL COMMITTEE,
INC.,**

Plaintiff,

v.

**LIBERTARIAN PARTY OF NEW MEXICO,
CHRIS LUCHINI, LAURA BURROWS, PAUL
MCKENNEY, FREDERICK SNOY, and JAMES
WERNICKE,**

Defendants.

CIVIL ACTION NO.:

1:26-cv-1562

JURY TRIAL DEMANDED

DECLARATION OF DERECK SCOTT

Under 28 U.S.C. §1746, I, Dereck Scott, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. I am the Chair for the Free New Mexico Party (“FNMP”), the Libertarian National Committee’s New Mexico affiliate.

3. In these roles I have personally witnessed and seen the effects of the actions of the Defendants that will continue and worsen if not enjoined. Specifically, the Defendants, individually or collectively have:

- a) Through their actions and this resulting controversy turned away active members and donors who previously had been engaged for years.
- b) Solicited political donations using the Libertarian Party trademark. This has caused donor confusion resulting in donations to the Defendant Libertarian Party of New Mexico that were intended for the FNMP.

- c) Refused to turn over social media account usernames incorporating the Libertarian Party trademark.
- d) Used the Libertarian Party mark extensively on social media in making controversial political statements, many of them inconsistent with the positions of the FNMP, advertising events, encouraging new members to join, endorsing candidates, etc.
- e) By their extensive and continuing use of the Libertarian Party mark, caused confusion among many voters, who did not know which candidates on the ballot were affiliated with the LNC/national Libertarian Party. I personally received many communications from voters after they submitted their ballots, asking which candidates on the ballot were affiliated with the FNMP and the LNC/national Libertarian Party.
- f) By their extensive and continuing use of the Libertarian Party mark, caused confusion among members or prospective members, resulting in them attending the wrong New Mexico state convention in 2025. Multiple late arrivals at the 2025 FNMP state convention indicated they had previously attended the wrong event/location, and wanted to confirm that the FNMP was the LNC's recognized affiliate.
- g) By their extensive and continuing use of the Libertarian Party mark, caused extensive confusion among prospective members, including at FNMP-organized events, requiring extensive explanation by FNMP members about the nature of the FNMP and its relationship to the LNC and national Libertarian Party, as compared to the Defendants, and deterring such prospective members from joining or providing contact information to the FNMP. For example, in September of 2023 the FNMP held a pro-2nd-Amendment event which we advertised widely. Many interested non-members attended from the community. We attempted to gather attendee information and encouraged them to join

the FNMP, but were questioned repeatedly about the connection between the FNMP, LPNM, and LNC and it was time-consuming and difficult to explain the situation to them. Their confusion significantly hampered our ability to sign up prospective members and spread our policy views.

- h) By their extensive and continuing use of the Libertarian Party mark, caused extensive confusion among the general public, including voters, Libertarian Party members and activists, regarding the policy positions of the FNMP and the national Libertarian Party, due to social media posts by the Defendants under the Libertarian Party mark asserting political positions contrary to those of the LNC and the FNMP.
- i) By their extensive and continuing use of the Libertarian Party mark, caused confusion among candidates and prospective candidates, resulting in candidates for the Defendants contacting the LNC and asking for assistance, on the belief that the Defendants are associated with the LNC, as well as making it more difficult for the FNMP to attract candidates to run under the FNMP banner.
- j) Passed themselves off as affiliated with the LNC and national Libertarian party, while being formal affiliates of the Liberal Party USA.

4. A true and accurate printout of Defendants' website lpnm.us/donate, retrieved May 26, 2026, is attached as **Exhibit A**.

5. A true and accurate copy of social media posts of the Defendants is attached as **Exhibit B**.

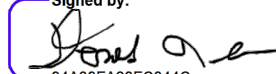
6. A true and accurate Facebook post by Defendants with comments thereto exhibiting voter confusion is attached as **Exhibit C**.

7. A true and accurate message on the X platform from a prospective member, asking if I am the LP chair for NM and about Facebook posts, when the FNMP does not have a Facebook page, attached as **Exhibit D**.

8. A true and accurate copy of an email from candidate Rhett Trappman, requesting assistance from the LNC, which only assists candidates for parties affiliated with the LNC, together with a true and accurate printout of Defendants' website lpmn.us, accessed May 26, 2026, demonstrating Rhett Trappman to be a candidate for Defendant Libertarian Party of New Mexico, attached hereto as **Exhibit E**.

9. True and accurate copies of pages of Defendants' lpmn.org website, retrieved May 27, 2026, which extensively mention the Libertarian Party and do not mention the Liberal Party USA, are attached as **Exhibit F**.

Executed on 5/29/2026

Signed by:

84A39FA28FC844C...

Dereck Scott



Please Give Generously!

Instead, we rely on the generosity of individual donors to support our programs to bring liberty and peace to all corners of New Mexico.

If you prefer to send a check, please make it payable to the Libertarian Party of New Mexico and send it to:

8100 Wyoming Blvd NE, Ste M4 #341
Albuquerque NM 87112

Please consider a **monthly recurring subscription**, whether at the level of a cup of coffee or the price of a nice dinner once a month. Having a monthly revenue stream helps us budget more effectively!

Support Our Cause

Help our organization by donating today! Donations go to making a difference for our cause.

100% Secure Donations

How much would you like to donate today?

All donations directly impact our organization and help us further our mission.

Donation Amount * USD \$

Plus an additional \$0.61 to cover gateway fees.

Who's Giving Today?

We'll never share this information with anyone.

First name * Last name *

Email Address *

Comment

Donation to County
Would you like 20% of your contribution to go to your county party? This will not change your donation total. If so, please select yes

Employer *
State law requires we ask. We know it's none of our business.

Occupation *
State law requires we ask. We know it's none of our business.

NM County *
A portion of your caucus fee will go to the county you select. If you do not wish for this to happen, please select "Decline to state"

Phone (Cell preferred) *

Text Opt-In
 I agree to the Terms and conditions.

By submitting this form and signing up for texts, you consent to receive text messages (campaign information, event reminders, etc.) from LPNM and affiliated political campaigns at the number provided, including messages sent by automation. Consent is not a condition of purchase. Msg & data rates may apply. Msg frequency varies. Donations may be solicited. Opt-in data and consent will not be shared with any third parties. Unsubscribe at any time by replying STOP. Reply HELP for help. Privacy Policy

Payment Details

How would you like to pay for your donation?

Donation Summary	
Payment Amount	\$10.00
Giving Frequency	One time
Cover Donation Fees <small>Ensures 100% of your donation reaches our cause</small>	\$0.61
Donation Total	\$10.61

Donate with Stripe Payment Element

Card number

Expiration date Security code

Country ZIP code

Verify you are human



LIBERTARIAN PARTY
of NEW MEXICO



EXHIBIT 2-B

In response to the Trump Administration's unprecedented attacks on First Amendment rights, the Libertarian Party of New Mexico and the Democratic Party of New Mexico released the following joint statement:

"In America, the president is beholden to the Constitution and the people, not the other way around. The Libertarian and Democratic Parties of New Mexico are very alarmed by Donald Trump's recent attempts to silence criticism and intimidate the press – abhorrent and un-American attacks on our most fundamental freedoms protected by the First Amendment. **Regardless of political affiliation, we call on every New Mexican to use their First Amendment rights to hold the Trump Administration accountable for its escalating threats to these very rights.**


"Freedom of the press and being able to speak one's mind make our country great, not Donald Trump trying to control what television shows we're allowed to watch or threatening the press into only saying nice things about him. Not only is that a pathetic embarrassment to our country, **it's an inexcusable failure to uphold the oath of the presidency.** Republicans tout themselves as a party that respects the Constitution, but their blind complicity in its trampling says otherwise.

"While we commend the few Republicans who have had the courage to speak out against Trump's attacks on First Amendment rights, this is not enough. **We call on the Republican Party of New Mexico to join us and release their own statement condemning the Trump Administration's attacks on Americans' First Amendment rights.** To our New Mexican press – we call on you to remain steadfast and committed to accurate coverage in the face of a hostile presidency, even if that means hurting Trump's sensitive, infantile feelings."



Libertarian Party of New Mexico 



1h · 

We've reached the stage on the road to authoritarian fascism, where political assassination is becoming a reality.

This is beyond incredibly dangerous.

It is catastrophic.

Every authoritarian regime uses violence from those that oppose it as pretext to speed up and amplify their control over every aspect of life.

The Libertarian Party of New Mexico condemns today's assassination, and those that support it, in the strongest possible terms. Acceptance of political murder is the end of civilization, and should be treated as the catastrophe that it is.

  11

3 shares

 Like

 Comment

 Share

X **Libertarian Party of Ne...** 🔍 📷



Libertarian Party of New Mexico ✓



Oct 15, 2024 · 🌐

The Libertarian Party of New Mexico
Presidential ticket is

Laura Ebke
Trisha Butler

They will be found in the second position on
your ballot.

They are both former elected Libertarians, Ms
Laura Ebke was a Nebraska state legislator,
and Ms Butler was a Clarksville, Tennessee
City Councilor.

Please consider giving them your vote.

👍 10 💬 5 ➦ 2 🇺🇸❤️👎

Most relevant ▾



Alfonso Trujillo · 1y

I thought it was Chase Oliver and Mike
Ter Maat

Reply

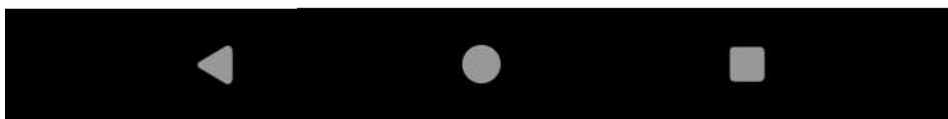
👍 💬



Emily Moyer · 1y

Is this the ticket that will grant ballot
access?

Comment as Dereck Scott





Sarah ✓
@slayorvizion
Joined October 2023

View Profile

Feb 2, 2025

Hey there! You're the LP chair for NM? 4:25 PM

Mar 2, 2025

You accepted this message request

← Sarah

Hey there! You're the LP chair for NM?

yes I am sorry for the late response I have forgot to keep up with my X account. 4:43 PM

No worries! I'm in burque, and would love to get involved! Do yall only post on FB, or how else can I know what's happening in NM? 5:41 PM

funny story I post as the Chair through this account and on FB. but X and FB will not give us an account the NLP is work on helping us solve that but we are stuck right know with us member posting. 5:43 PM

<http://Freenewmexcio.org>

I would love your involvement go to t.co/r0IYAnRayY and sign up 25 dollars for membership and we just post we will have our convention on the 29th of this month I would love for you to come it is posted on the site. 5:46 PM

Well I'll absolutely do what I can to get the message out, just let me know when and where, and I would love to be at the convention. 5:46 PM

let me get the link for you 5:47 PM

<https://flpnm.org/2025-state-convention/>

EXHIBIT 2-E

----- Forwarded message -----

From: **Iris Poole** <info@libertariannationalcommittee.zohodesk.com>
Date: Tue, Apr 28, 2026 at 3:58 PM
Subject: Fwd:Libertarian candidate for U.S. Senate in New Mexico
To: <csc@lp.org>, <alanthegrade@gmail.com>

==== Forwarded Message =====

From: "Rhett Trappman" <rhett@trappman.com>
To: <info@lp.org>
Date: Sun, 26 Apr 2026 05:34:34 -0700
Subject: Libertarian candidate for U.S. Senate in New Mexico

==== Forwarded Message =====

Good morning,

I've been seeing you post candidates on your social media (Facebook) who are currently seeking ballot access via petitions. I wanted to reach out and see if you could also help boost my campaign:

Campaign Website: [Rhett Trappman for U.S. Senate](#)
SOS Petition E-Sign: [Sign Electronic Petition - New Mexico Candidate Nominations - Electronic Petitions](#)

Thank you,
Rhett Trappman

Welcome to the Libertarian Party of New Mexico

Learn more about the lawsuit and donate to the legal defense fund.

Support our candidates by signing their petition online: New Mexico Electronic Petitions – Candidate Nominations
 Steven Curits – Appellate Court
 Jason Vallancourt – State Auditor
 Rhett Trappman – US Senate

Run for Office
 Learn how to run for office.

[Run](#)

Join/Volunteer
 Support the only party that puts your rights first. Check out our volunteer opportunities and sign up today.

[Volunteer](#)

Register To Vote / Change Party
 With one click, you can change your New Mexico voter registration to "L."

[Register/Change](#)

Upcoming Events

June 17, 2026
Los Alamos Libertarian Party of New Mexico Regular Meeting
 June 17, 2026 6:00 pm - 7:00 pm
 1325 Trinity Dr, Los Alamos, NM 87544
[See more details](#)

July 15, 2026
Los Alamos Libertarian Party of New Mexico Regular Meeting
 July 15, 2026 6:00 pm - 7:00 pm
 1325 Trinity Dr, Los Alamos, NM 87544
[See more details](#)

Form to keep up with the latest. If you want to become a voting member, Click Here.

First Name *

Last Name *


Email Address *

Phone Number

Text Message Opt-In
 By submitting this form and signing up for texts, you consent to receive text messages (campaign information, event reminders, etc.) from LPNM and affiliated political campaigns at the number provided, including messages sent by autodialer. Consent is not a condition of purchase. Msg & data rates may apply. Msg frequency varies. Donations may be solicited. Opt-in data and consent will not be shared with any third parties. Unsubscribe at any time by replying STOP. Reply HELP for help. Privacy Policy

Message 0 / 180

Checkbox *
 I consent to receiving the LPNM newsletter.

Verify you are human 

[Submit](#)



News! LPNM Los Alamos Cleaned up litter on Highway 4 in White Rock.

Welcome to the Libertarian Party of New Mexico

Learn more about the lawsuit and donate to the legal defense fund.


Support our candidates by signing their petition online: New Mexico Electronic Petitions – Candidate Nominations
 Steven Curtis – Appellate Court
 Jason Vaillancourt – State Auditor
 Rhett Traodoman – US Senate

Please keep in mind that the Libertarian Party of New Mexico has no connection or affiliation with the Libertarian National Committee and/or LP.org, and none of that organization's actions or positions necessarily reflect those of the Libertarian Party of New Mexico.



Run for Office
Learn how to run for office.

[Run](#)



Join/Volunteer
Support the only party that puts your rights first. Check out our volunteer opportunities and sign up today.

[Volunteer](#)



Register To Vote / Change Party
With one click, you can change your New Mexico voter registration to "L."

[Register/Change](#)

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Message 0 / 180

Checkbox *
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Verify you are human 

[Submit](#)



News! LPNM Los Alamos cleaned up litter on Highway 4 in White Rock.



Please Give Generously!

Instead, we rely on the generosity of individual donors to support our programs to bring liberty and peace to all corners of New Mexico.

If you prefer to send a check, please make it payable to the Libertarian Party of New Mexico and send it to:

8100 Wyoming Blvd NE, Ste M4 #341
Albuquerque NM 87112

Please consider a monthly recurring subscription, whether at the level of a cup of coffee or the price of a nice dinner once a month. Having a monthly revenue stream helps us budget more effectively!

Support Our Cause
Help our organization by donating today! Donations go to making a difference for our cause.
100% Secure Donations

How much would you like to donate today?

All donations directly impact our organization and help us further our mission.

Donation Amount form with buttons for \$10.00, \$25.00, \$50.00, \$100.00, \$250.00, \$500.00 and an input field for custom amount.

Plus an additional \$0.61 to cover gateway fees.

Who's Giving Today?

We'll never share this information with anyone.

Form fields for First name, Last name, Email Address, and Comment.

Donation to County

Would you like 20% of your contribution to go to your county party? This will not change your donation size. If so, please select yes.

Dropdown menu for donation to county selection.

Employer

State law requires we ask. We know it's none of our business.

Input field for employer information.

Occupation

State law requires we ask. We know it's none of our business.

Input field for occupation information.

NM County

A portion of your caucus fee will go to the county you select. If you do not wish for this to happen, please select "Decline to state"

Dropdown menu for NM County selection.

Phone (Cell preferred)

Input field for phone number.

Text Opt-in

I agree to the Terms and conditions.

By submitting this form and signing up for texts, you consent to receive text messages (campaign information, event reminders, etc.) from LPNM and affiliated political campaigns at the number provided, including messages sent by auto-dialer. Consent is not a condition of purchase. Msg & data rates may apply. Msg frequency varies. Donations may be solicited. Opt-in data and consent will not be shared with any third parties. Unsubscribe at any time by replying STOP. Reply HELP for help. Privacy Policy

Payment Details

How would you like to pay for your donation?

Donation Summary table showing Payment Amount (\$10.00), Giving Frequency (One time), Cover Donation Fees (\$0.61), and Donation Total (\$10.61).

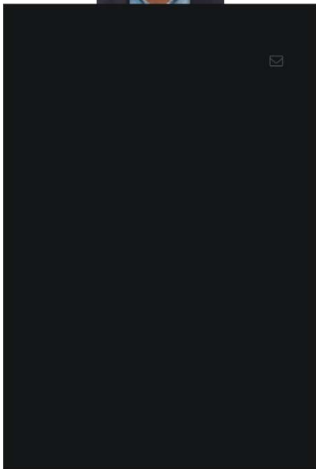
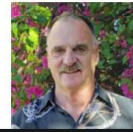
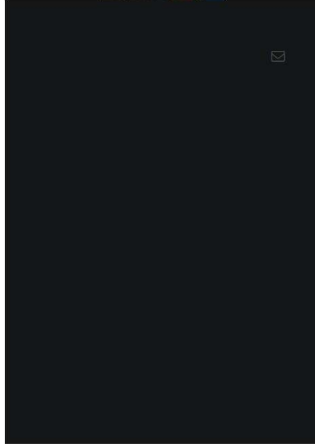
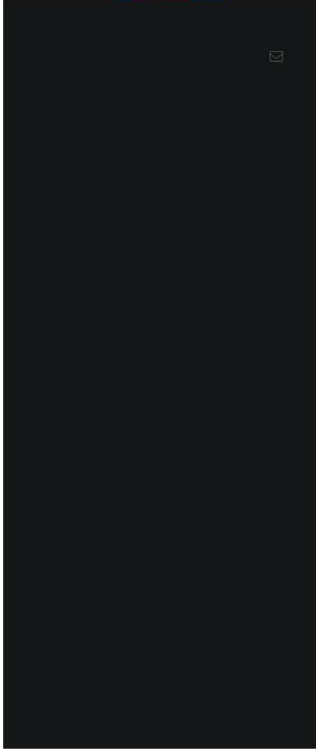
Donate with Stripe Payment Element

Stripe payment form with fields for Card number, Expiration date, Security code, CVC, Country, and ZIP code.

Verify you are human. CAPTCHA image.

Donate now button.

LPNM Leadership




LIBERTARIAN PARTY
of NEW MEXICO
8100 Wyoming Blvd NE Ste M4,
Box #341
Albuquerque, New Mexico, 87113
Phone: 888 LPNMNOW

secretary@lpnm.us

Paid for by the Libertarian Party of New Mexico. Paul McKenney, Treasurer

ELECTIONS
Run for Office
Elected Officials
County Affiliates

OUR PARTY
Constitution & Bylaws
LPNM Platform
LPNM Leadership
News
Our History

TAKE ACTION
Register To Vote
Join LPNM
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Donate
LPNM Calendar



Donate

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LPNM Platform

We, the members of the Libertarian Party of New Mexico, advocate the American tradition of limited government and defend the rights of the individual.

We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

Governments throughout history have regularly operated on the opposite principle that the state has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual, namely:

The right to life – accordingly we support prohibition of the initiation of physical force against others; the right to liberty

The right of speech and action – accordingly we oppose all attempts by governments to abridge the freedom of speech and press, as well as government censorship in any form; and

The right to property – accordingly we oppose all government interference with private property such as confiscation, nationalization, and eminent domain, and support the prohibition of trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders, and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

Issues

The Libertarian Party of New Mexico is sensitive to the fact that Libertarians in our state hold diverse views on common concerns. Because Libertarian views can wholly diverge on certain issues, the LPNM does not seek to speak on behalf of each individual member by developing its own platform. Rather, the party officially adopts the national Libertarian Party platform while acknowledging that some individual members may hold viewpoints contrary to these principles. The Libertarian Party of New Mexico, through its Central Committee, further adopted and ratified the following platform planks on June 22, 2019.

1. **Abortion:** Recognizing that abortion is a sensitive issue and that people can hold good-faith views on all sides, we believe that government should be kept out of the matter, leaving the question to each person for their conscientious consideration.
2. **Physician-Assisted Dying:** LPNM supports the right of a mentally competent individual to request medication from their physician which could bring about their own death, or to execute a directive for the circumstances under which such medication should be administered, and the right of their physician to provide that medication, in the exercise of their medical judgment.
3. **Right to Work:** LPNM opposes any state or local law that would require workers, as a condition of employment, to pay union dues or fees to organizations that have collective bargaining agreements with unions.
4. **Legalization of Cannabis:** While the NM Legislature has taken the first steps to allowing adult use of cannabis, the enabling legislation is still very restrictive, and full of taxes, regulation that benefits cronies, and illogical anti freedom limitations. The LPNM will be proposing corrective legislation in 2022.
5. **Expungement:** LPNM supports the complete expungement of records associated with victimless crimes, as well as the automatically scheduled expungement of any charges not resulting in conviction.
6. **Border Wall:** LPNM opposes the construction of a physical border wall.
7. **Gun Control:** LPNM supports the right of Americans to keep and bear arms.
8. **Education:** LPNM supports a transition to a fully private education system.
9. **Property Taxes:** LPNM supports the right of every person to own property free from government interference, and therefore supports the elimination of property taxes.
10. **Occupational Licensing:** LPNM supports an individual's right to select an occupation and earn a living in the manner of their choosing without government restriction.



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If you're interested in running as a Libertarian candidate for municipal, county, state or federal office, here is some information we hope will be helpful to you. And please don't forget to let us know about your candidacy!

We are committed to helping Libertarian candidates win general elections. We can help you with:

- Finding volunteers
- Steering you toward resources to aid your fundraising efforts
- Providing press release templates
- Providing media lists
- Publicizing your campaign through our social media channels
- Publicizing your campaign

2026 - 2027

Nothing from May 27, 2026 to May 27, 2027.

The Libertarian Party of New Mexico encourages robust competition among its members for the party's nomination. LPNM will not endorse primary candidates and cannot contribute funding or other party resources to individual candidates during the primary election cycle. LPNM is eager to help our nominees prepare for the General Election to face off with Democrat and Republican competitors.

- [Updated list of all New Mexico County Clerks](#)
- [Federal Election Commission information for federal candidates](#)

Please regularly check the Secretary of State's website at this link for updates to the State Election Handbook.



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County Affiliates

The Libertarian Party is a grassroots political organization. Most of the day-to-day work of our party and our campaigns is done by volunteers working at the county level. These affiliates are the building blocks to bringing Libertarians ideas and candidates to people near you.

Click on your county to get active locally.

- [Bernalillo County, NM](#)
- [Eddy County, NM](#)
- [Los Alamos County, NM](#)
- [Sandoval County, NM](#)
- [Santa Fe County, NM](#)

Please reach out to secretary@lpnm.us for leadership opportunities in these inactive affiliates:

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As an all-volunteer organization, the Libertarian Party of New Mexico relies on donations of time, talent, and money from people just like you. As a caucus member, you will be entitled to be a member of the voting body at the annual convention.

Join today!

It's easy to become a Voting member of the Libertarian Party of New Mexico. Just follow these two steps:

1. Be registered as a Libertarian in NM. Click [HERE](#) to change it.
2. Fill out the form below!

If you want to be a free non-voting registered state member click [HERE](#)

Why get involved

- Directly support the cause of liberty in New Mexico.
- Get involved with a party that consistently defends and upholds the Constitution and the Bill of Rights.
- Belong to the only New Mexico political party that fights for all of your freedoms, all the time.
- Have a say in our party. As a Voting Member, you get to vote on major issues at the state convention.

Support Our Cause

Help our organization by donating today! Donations go to making a difference for our cause.

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How much would you like to donate today?
 All donations directly impact our organization and help us further our mission.

Choose your donation frequency

One Time
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Donation Amount * USD \$

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Who's Giving Today?
 We'll never share this information with anyone.

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 How would you like to pay for your donation?

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Giving Frequency	Monthly
Cover Donation Fees <small>Ensures 100% of your donation reaches our cause</small>	\$0.58
Donation Total	\$9.58

Donate with Stripe Payment Element

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By submitting, you authorize Libertarian Party of New Mexico to charge you according to the terms until you cancel.

Are you sponsoring a membership?
 If you are sponsoring a membership, please list the beneficiary. If you would like LPNM to apply it to the mailing list, please indicate below.

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 Employee *
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 NM County

By clicking, I/we New mex are agreeing to the statement: "I hereby certify that I do not advocate the initiation of force as a means of achieving political or social goals."

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What Causes Are You Passionate About?


Getting involved is easy! We need all sorts of people with all sorts of skills to help us get the message out and to keep things running behind the scenes. Tell us what you like to do and how much time you can devote, and we'll find you a match.

No matter your passion, you can help advance the cause by volunteering with the LPNM.

First Name *

Last Name *

Email Address *

Phone Number 


Text Message Opt-In

By submitting this form and signing up for texts, you consent to receive text messages (campaign information, event reminders, etc.) from LPNM and affiliated political campaigns at the number provided, including messages sent by autodialer. Consent is not a condition of purchase. Msg & data rates may apply. Msg frequency varies. Donations may be solicited. Opt-in data and consent will not be shared with any third parties. Unsubscribe at any time by replying STOP. Reply HELP for help. [Privacy Policy](#)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LIBERTARIAN NATIONAL COMMITTEE,
INC.,**

Plaintiff,

v.

**LIBERTARIAN PARTY OF NEW MEXICO,
CHRIS LUCHINI, LAURA BURROWS, PAUL
MCKENNEY, FREDERICK SNOY, and JAMES
WERNICKE,**

Defendants.

CIVIL ACTION NO.:

1:26-cv-1562

JURY TRIAL DEMANDED

DECLARATION OF EVAN MCMAHON

Under 28 U.S.C. §1746, I, Evan McMahon declare as follows, under penalty of perjury:

1. I am the National Chair for the Libertarian National Committee, Inc. (LNC) and national Libertarian Party (NLP).

2. The LNC is the governing arm of the Libertarian Party, the third largest political party in the United States.

3. The LNC owns and maintains a federal registration for the trademark “Libertarian Party” (the “Trademark”). Doc. 1-1 is a true and correct copy of the Trademark registration. Doc. 1-2 is a true and correct copy of the Trademark Status and Document Retrieval results from the USPTO for the Trademark registration.

4. The LNC currently uses the Trademark in commerce. Doc. 1-5 is a true and correct screenshot of the Libertarian Party homepage.

5. The LNC (and its predecessors in interest) has, continuously over the last fifty-two years, supported the NLP in running Presidential candidates and actively running candidates in multiple elections throughout the entire United States, and spent significant sums on national,

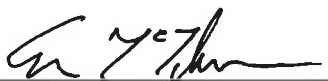
statewide and local political advertising supporting NLP candidates and policies and otherwise supporting the interests of the NLP, all under its “Libertarian Party” Trademark.

6. Despite having the legal right to use the Trademark, the LNC’s current affiliate in New Mexico was forced to register as the “Free New Mexico Party,” and the LNC was forced to spend \$45,000 on ballot access and the LNC’s New Mexico affiliate and the LNC were deprived of the benefit of its Trademark in New Mexico. Doc. 1-11 is a true and correct copy of the letter from the New Mexico Secretary of State, July 3, 2024.

7. The LNC sent or caused to be sent multiple cease and desist letters to the LPNM and its officers demanding that it immediately cease use of the Trademark. Doc. 1-20-23 are true and correct copies of the cease and desist letters dated October 4, 2022, July 9, 2023, September 26, 2025, and May 8, 2026.

8. The Libertarian Party of New Mexico and its officers continue their unauthorized use of the Trademark, in connection with the same services and via the same channels as the LNC’s use, including on websites, social media accounts, on documents online and at local meetings and events, etc. Defendants’ unauthorized use will result in continued confusion amongst voters, candidates and prospective candidates, activists, and others about the affiliation of the Libertarian Party of New Mexico and the source of its political party services- particularly given the upcoming election. This confusion is only compounded by the LPNM’s formal affiliation with a competing national political party, the Liberal Party.

Executed on 05/26/2026



Evan McMahon

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LIBERTARIAN NATIONAL COMMITTEE,
INC.,**

Plaintiff,

v.

**LIBERTARIAN PARTY OF NEW MEXICO,
CHRIS LUCHINI, LAURA BURROWS, PAUL
MCKENNEY, FREDERICK SNOY, and JAMES
WERNICKE,**

Defendants.

CIVIL ACTION NO.:

1:26-cv-1562

JURY TRIAL DEMANDED

DECLARATION OF BRET KONSAVAGE

Under 28 U.S.C. §1746, I, Bret Konsavage, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. In early 2024, I participated in a petition drive to collect signatures in Los Lunas, New Mexico in support of ballot access for the national Libertarian Party in the State of New Mexico.

3. During this petition drive, I was acting on behalf of the Free New Mexico Party, which is the sole recognized state affiliate of the Libertarian National Committee in New Mexico.

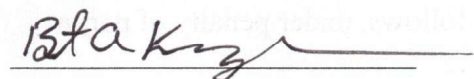
4. While circulating petitions and speaking with potential signers, I explained to each person that we were collecting signatures to ensure ballot access for the national Libertarian Party.

5. On approximately ten (10) separate occasions, potential signers I spoke with expressed confusion and indicated that they believed we were petitioning on behalf of the

Libertarian Party of New Mexico (the disaffiliated state party), even though that party was the New Mexico state affiliate of the Liberal Party USA and was not associated with the national Libertarian Party. This required me to explain, at length, that the two state parties are separate and that the Libertarian Party of New Mexico was not associated with the national Libertarian Party, and how that had come to pass.

6. This confusion occurred even though I clearly identified that I was acting on behalf of the Free New Mexico Party, the state affiliate of the national Libertarian Party.

Executed on 25 May 2026



Bret Konsavage

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

REPUBLICAN NATIONAL COMMITTEE,)
)
Plaintiff,)
)
v.)
)
JOHN CANEGATA, ROBERT SCHANFARBER, and)
VIRGIN ISLANDS REPUBLICAN PARTY a/k/a/)
VIGOP PAC,)
)
Defendants.)

Case No. 3:22-cv-0037

ATTORNEYS:

Cameron T. Norris, Esq.
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Arlington, VA
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Barnes, D'Amour and Vogel
St. Thomas, U.S.V.I.
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Yohanna M. Manning, Esq.
Charlotte S. Sheldon, Esq.
Scot F. McChain, Esq.
McChain Hamm & Associates
St. Croix, U.S.V.I.
For Defendants John Canegata, Robert Schanfarber, and Virgin Islands Republican Party.

MEMORANDUM OPINION

Molloy, Chief Judge.

BEFORE THE COURT is Plaintiff Republican National Committee's ("RNC") motion for temporary restraining order, filed May 20, 2022. (ECF No. 2.) To the extent RNC sought a

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temporary restraining order, that motion was denied on May 23, 2022. (ECF No. 7.) Now before the Court is the motion's alternate relief, a request for preliminary injunction.

A hearing was held on RNC's motion for preliminary injunction on June 8, 2022. At the conclusion of the June 8 hearing, a briefing schedule was set in lieu of oral argument. RNC filed its brief on June 22, 2022. (ECF No. 43.) Defendants filed their response on July 11, 2022 (ECF No. 47) and RNC filed a reply on July 20, 2022 (ECF No. 53.)

In that hearing, RNC called no witnesses, instead only admitting Plaintiff's Exhibit A, registrations for seven RNC-owned marks registered with the United States Patent and Trademark Office. However, the remainder of RNC's exhibits were authenticated by and admitted during Defendants' case in defense, by John Canegata ("Canegata"). For the reasons set forth herein, the Court will grant RNC's motion.

I. FACTUAL AND PROCEDURAL BACKGROUND¹

Canegata was at one time the Chairman of the Virgin Islands Republican Party and testifies that he still holds such office. The Virgin Islands Republican Party operates the website usvigop.org (the "website"). The website prominently displays the phrase "GOP," a stylized right-facing elephant viewed in profile bearing three stars on its back, links bearing the phrase "2016 Republican National Convention," and websites for each of its members bearing "@usvigop.org." The Virgin Islands Republican Party engages in fundraising to support candidates with conservative views.

The RNC holds several legally registered trademarks, including the phrases "RNC," "Republican National Committee," "Republican National Convention," "GOP," and several variations of a stylized elephant viewed in right-facing profile bearing three stars on its back.

In mid-to-late April 2022, Canegata received a cease-and-desist letter from RNC demanding that Canegata immediately cease and desist from any use of RNC's registered trademarks. That letter further stated that Canegata is no longer the Chairman of the Virgin Islands Republican Party, demands that Canegata refrain from making any reference to the RNC that would lead individuals to believe that he or the VIGOP were somehow affiliated

¹ All facts herein were deduced from testimony and exhibits introduced at the hearing on RNC's motion for preliminary injunction, held June 8, 2022.

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with the RNC, and references an August 2020 mandate by RNC that “all VIGOP-branded political activity, political action committees, and fundraising be placed on hold.” RNC’s demands specifically included ceasing and desisting use of the VIGOP name and usvigop.org domain. With the exception of one (Ex. A at 11), each of these marks were registered between 1995 and 2001, and have been renewed by affidavit at six- and ten-years following registration.

II. LEGAL STANDARD

The test for preliminary relief is a familiar one. A party seeking a preliminary injunction must show: “(1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004) (citing *Allegheny Energy, Inc. v. DQE, Inc.*, 171 F.3d 153, 158 (3d Cir. 1999)). Preliminary injunctive relief is “an extraordinary remedy” and “should be granted only in limited circumstances.” *American Tel. & Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994) (quotation omitted). “[O]ne of the goals of the preliminary injunction analysis is to maintain the status quo, defined as the last, peaceable, noncontested status of the parties.” *Opticians Ass’n of Am. v. Indep. Opticians of Am.*, 920 F.2d 187, 197 (3d Cir. 1990) (citation and quotation omitted); see also *Kos Pharms.*, 369 F.3d at 708 (citing 5 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 30:50 (4th ed. 2003) (“The status quo to be preserved is not the situation of contested rights. . . . In a trademark case, [it] is the situation prior to the time the junior user began use of its contested mark: the last peaceable, non-contested status.”)).

III. DISCUSSION

Here, RNC has pled three violations of the Lanham Act, codified at 15 U.S.C. §§ 1501 *et seq.*: one count of trademark infringement under 15 U.S.C. § 1114, a second count of trademark infringement under 15 U.S.C. § 1125(a), and a third count of trademark dilution under 15 U.S.C. § 1125(c). Actions under section 1114 and section 1125(a) are measured by identical standards. See *A & H Sportswear, Inc. v. Victoria's Secret Stores, Inc.*, 237 F.3d 198,

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210 (3d Cir. 2000). Because each count seeks to enjoin defendants from the same conduct, a likelihood of success on any count, combined with a sufficient showing of the remaining elements for a preliminary injunction, will necessarily entitle RNC to a preliminary injunction. Accordingly, because the Court finds that RNC is entitled to a preliminary injunction on its trademark infringement claims, the Court declines to reach RNC's trademark dilution claim herein.

A. Likelihood of Success on the Merits

Here, RNC specifically seeks to enjoin Defendants from all usage of the trademarks "RNC," "GOP," "Republican National Convention," and the RNC's elephant logo mark, as well as from making any references to the RNC that lead individuals to believe defendants are affiliated with the RNC. *See generally* ECF No. 3.

To prove federal trademark infringement under the Lanham Act, "a plaintiff must demonstrate that (1) it has a valid and legally protectable mark; (2) it owns the mark; and (3) the defendant's use of the mark to identify goods or services causes a likelihood of confusion." *A & H Sportswear*, 237 F.3d at 210 (citing *Commerce Nat'l Ins. Servs., Inc. v. Commerce Ins. Agency, Inc.*, 214 F.3d 432, 437 (3d Cir. 2000)). The plaintiff bears the burden of proof. *Id.* at 210-11 (citing *American Home Prods. Corp. v. Barr Labs., Inc.*, 834 F.2d 368, 371 (3d Cir. 1987)). The Court will turn first to whether RNC's trademarks are valid and legally protectable.

1. Valid and Legally Protectable Mark

"The first two requirements, validity and legal protectability, are proven where. . . a mark was federally registered and has become 'incontestable' under the Latham Act , 15 U.S.C. §§ 1058 and 1065." *Fisons Horticulture, Inc. v. Vigoro Industries, Inc.*, 30 F.3d 466, 472 (3d Cir. 1994) (citing *Ford Motor Co. v. Summit Motor Products, Inc.*, 930 F.2d 277, 291 (3d Cir. 1991), *cert. denied*, 502 U.S. 939). To achieve incontestability, a trademark holder must file an affidavit in its sixth year of ownership, evincing continuous use in commerce for five years following registration under sections 8 and 15 of the Lanham Act. *See Lanham Trade-Mark Act of 1946*, 50 Stat. 427 § § 8, 15 (Jul. 5, 1946) *codified, as amended at* 15 U.S.C. § § 1058, 1065(3).

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Here, RNC has filed affidavits under sections 8 and 15 on each of its trademarks except one. *See* Ex. A. There is no evidence of VIGOP's use of the remaining trademark – a stylized elephant depicted in right-facing profile with three stars on its back, specifically in red and white with a red circle surrounding it (“the circled elephant.”) *See id.* at 11. Therefore, each of the other trademarks are incontestable, making them necessarily valid and legally protectable.

As to the circled elephant, “[i]f the mark has not been federally registered or, if registered, has not achieved incontestability, validity depends on proof of secondary meaning. . . .” *Fisons Horticulture*, 30 F.3d at 472 (citing *Ford Motor*, 930 F.2d at 291). Secondary meaning is demonstrated where, “in the minds of the public, the primary significance of a product feature or term is to identify the source of the product itself.” *Ford Motor Co.*, 930 F.2d at 292 (quoting *Freixenet, S.A. v. Admiral Wine & Liquor Co.*, 731 F.2d 148, 152 (3d Cir. 1984)). “Although there are numerous cases determining secondary meaning, there is no consensus on its elements.” *Amer. Scientific Chem., Inc. v. Amer. Hosp. Supply Corp.*, 690 F.2d 791, 792 (9th Cir. 1982). A non-exclusive list of factors which may be considered includes “the extent of sales and advertising leading to buyer association, length of use, exclusivity of use, the fact of copying, customer surveys, customer testimony, the use of the mark in trade journals, the size of the company, the number of sales, the number of customers, and actual confusion.” *Ford Motor Co.*, 930 F.2d at 292 (collecting cases).

While an application has been filed, the circled elephant has not been federally registered. *See* Ex. A, at 11. However, the circled elephant is stylistically identical to RNC's other incontestable marks. While there is no evidence of length of use or exclusivity of use, customer surveys, number of sales, or any similar factors, the Court finds that the incontestability of RNC's other stylized elephant marks strongly indicates that the circled elephant possesses secondary meaning directly associating it with the RNC. Therefore, the circled elephant is, too, valid and legally protectable.

2. Ownership of the Mark

Here, the United States Patent and Trademark Office registration clearly indicates that the owner of each trademark at issue is RNC. *See generally* Ex. A (showing “Republican

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National Committee” as the owner of each individual mark). Defendants concede in their brief that they “do not dispute that Plaintiff has valid and legally protected marks or that it owns the marks, for that matter.” ECF No. 47, at 4. Therefore, the Court finds that this element has been satisfied.

3. Likelihood of Confusion

A likelihood of confusion exists when “consumers viewing the mark would probably assume that the product or service it represents is associated with the source of a different product or service identified by a similar mark.” *Dranoff-Perlstein Assocs. v. Sklar*, 967 F.2d 852, 862 (3d Cir. 1992) (quotation marks omitted). In *Interpace Corp. v. Lapp, Inc.*, 721 F.2d 460 (3d Cir. 1983), the Third Circuit stated that when the goods involved in a trademark infringement action directly compete with each other, a court “need rarely look beyond the mark itself” to determine the likelihood of confusion. *Id.* at 462. While “many of the *Lapp* factors that are specifically applicable only to noncompeting goods,” the Third Circuit later held that “the *Lapp* test is to be employed when examining both competing and noncompeting goods.” *A & H Sportswear*, 237 F.3d at 212-13.

“Therefore, likelihood of confusion for both competing and noncompeting goods should be tested with reference to the following:

- (1) the degree of similarity between the owner's mark and the alleged infringing mark;
- (2) the strength of the owner's mark;
- (3) the price of the goods and other factors indicative of the care and attention expected of consumers when making a purchase;
- (4) the length of time the defendant has used the mark without evidence of actual confusion arising;
- (5) the intent of the defendant in adopting the mark;
- (6) the evidence of actual confusion;
- (7) whether the goods, competing or not competing, are marketed through the same channels of trade and advertised through the same media;
- (8) the extent to which the targets of the parties' sales efforts are the same;
- (9) the relationship of the goods in the minds of consumers, whether because of the near-identity of the products, the similarity of function, or other factors;

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(10) other facts suggesting that the consuming public might expect the prior owner to manufacture both products, or expect the prior owner to manufacture a product in the defendant's market, or expect that the prior owner is likely to expand into the defendant's market.”

Id. at 215. The Court will address these factors in turn.

a. Degree of Similarity

In this case, defendants’ marks are identical to RNC’s registered marks. Defendants’ website prominently displays “GOP” at the top left corner of its page. Ex. C. A link to the right of the page directly states, “Republican National Convention.” *Id.* The top left corner of the page displays a stylized elephant depicted in right-facing profile view with three stars on its back and colored in blue and red. *Id.* Defendants’ elephant is virtually identical to RNC’s trademark, with the sole difference of defendants’ elephant being depicted at a slight angle. *Compare* Ex. A with Ex. C at 9. “[L]ikelihood of confusion is inevitable when, as in this case, the identical mark is used concurrently by unrelated entitles.” *Opticians Ass’n*, 920 F.2d at 195. The marks used by RNC and defendants are substantively identical. Thus, the Court finds that this factor weighs very strongly in favor of RNC.

b. Strength of the Marks

“With respect to Lapp factor (2), ‘the strength of the owner’s mark,’ . . . the *Fisons* test, [] measures mark strength by (1) the distinctiveness or conceptual strength of the mark; and (2) the commercial strength or marketplace recognition of the mark.” *A & H Sportswear*, 237 F.3d at 221 (internal quotations and citations omitted). “The first prong of this test looks to the inherent features of the mark; the second looks to factual evidence of ‘marketplace recognition.’ ” *Id.* (citing *Fisons*, 30 F.3d at 479). Because neither party provided any factual evidence of marketplace recognition, the Court will look only to the first prong of the test.

In evaluating the conceptual strength of a trademark, “marks are divided into four classifications: (1) generic (such as “DIET CHOCOLATE FUDGE SODA”); (2) descriptive (such as “SECURITY CENTER”); (3) suggestive (such as “COPPERTONE”); and (4) arbitrary or fanciful (such as “KODAK”).” *Id.* (citing *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992)). “In order to qualify for Lanham Act protection, a mark must either be suggestive,

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arbitrary, or fanciful, or must be descriptive with a demonstration of secondary meaning. Generic marks receive no protection; indeed, they are not ‘trademarks’ at all.” *Id.* at 222 (internal citations omitted). Arbitrary or fanciful marks use terms that neither describe nor suggest anything about the product; they “bear no logical or suggestive relation to the actual characteristics of the goods.” *Id.* at 221 (citation omitted). Suggestive marks require consumer “imagination, thought, or perception” to determine what the product is. *Id.* at 221-22 (citation omitted). Descriptive terms “forthwith convey[] an immediate idea of the ingredients, qualities or characteristics of the goods.” *Id.* at 222 (citation omitted). Generic marks are those that “function as the common descriptive name of a product class.” *Id.* (citation omitted).

The Court finds that each of RNC’s marks are either arbitrary or suggestive. Objectively, “GOP,” “RNC,” and the stylized elephant variations suggest nothing about RNC’s stated product, the promotion of goods, services, and interests of the Republican political party. *See* Ex. A. Indeed, the Court posits that the only reason these marks suggest anything is due to the strength of the marks. The mark “Republican National Committee” is suggestive to the extent that it requires perception or thought to indicate that it denotes a national committee of Republicans.

However, the category into which a mark falls, while a useful guidepost, is not dispositive of its strength. *A & H Sportswear*, 237 F.3d at 222. “Suggestive or arbitrary marks may, in fact, be “weak” marks, particularly if they are used in connection with a number of different products.” *Id.* There is no evidence on this record of other uses of RNC’s marks in other markets. *See Triumph Hosiery Mills, Inc. v. Triumph Int’l Corp.*, 308 F.2d 196, 199 n. 2 (2d Cir. 1962) (“The mark ‘Triumph’ is a so-called weak mark, i.e. it has been used many times to identify many types of products and services.”); *Steve’s Ice Cream v. Steve’s Famous Hot Dogs*, 3 U.S.P.Q.2d 1477, 1479 (T.T.A.B. 1987) (“[T]he numerous third-party uses [of Steve’s] demonstrate that the purchasing public has become conditioned to recognize that many businesses . . . use the term . . . and . . . is able to distinguish between these businesses based on small distinctions among the marks.”); *cf. S.C. Johnson & Son, Inc. v. Johnson*, 116 F.2d 427, 430 (2d Cir. 1940) (“When all is said, if a man allows the good will of his business

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to become identified with a surname so common as Johnson, it is fair to impose upon him some of the risk that another Johnson may wish to sell goods not very far afield....”).

Absent such evidence, the Court cannot award weight on this factor to RNC based on its marks’ classification alone, especially without any factual evidence of commercial strength. After all, “[t]he plaintiff bears the burden of proof.” *A & H Sportswear*, 237 F.3d at 210-11 (citing *American Home Prods.*, 834 F.2d at 371). Accordingly, this factor weighs neutrally.

c. Intent of the Defendants

Importantly, “a defendant's mere intent to copy, without more, is not sufficiently probative of the defendant's success in causing confusion to weigh such a finding in the plaintiff's favor. . . .” *Id.* at 225-26. “[R]ather, defendant's intent will indicate a likelihood of confusion only if an intent to confuse consumers is demonstrated via purposeful manipulation of the junior mark to resemble the senior's.” *Id.* at 226. Thus, the Court must be careful in parsing whether a given case evinces “an intent to deceive and success in that effort,” or “an intent to copy and success in causing confusion.” *Id.* Some degree of bad faith, however, is relevant to the selection of an appropriate remedy. *Id.*

Here, defendants clearly intended to copy RNC. The marks used by defendants are identical to those incontestably owned by RNC. However, based on the degree of similarity between RNC’s marks and defendants use thereof, namely that they are identical, the Court finds that defendants purposefully manipulated their marks to resemble RNC’s. Canegata’s testimony indicates a genuine belief of entitlement to use the marks. *See, e.g.*, Hr’g Tr. at 49 (“Without a doubt, I am the chairman of the party.”). While this belief of entitlement may have been severely misguided, *see* Ex. B (indicating that defendants must cease and desist any use of RNC’s trademarks and any actions that indicate association), it indicates that the marks were purposefully utilized to resemble RNC’s. Therefore, this factor weighs in favor of RNC.

d. Remaining Factors

The Court finds no evidence of actual confusion, and accordingly no evidence of the length of time defendants have used the mark without evidence of actual confusion, on this

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record. Neither does the Court find any evidence of similar marketing channels, similar sales efforts, the relationship in the minds of the public, or the price of the parties' services. While such evidence may likely exist, RNC's decision to call no witnesses on its behalf leaves it unable to provide proof at this stage. Accordingly, these remaining factors weigh neutrally.

e. Weighing of the Factors

In weighing the *Lapp* factors holistically, the Court finds that the degree of similarity and the intent of defendants weigh in favor of RNC, while the remainder weigh neutrally. The evidence on the record is relatively thin. Perhaps if RNC brought a witness, it would not be. However, the Court notes that this is not a typical trademark infringement case where two organizations adopt similar marks independently. Defendants are using RNC's *actual* trademarks, rather than simply using similar marks. Thus, notwithstanding the foregoing, "[v]ery little analysis is needed in the present case." *Opticians Ass'n*, 920 F.2d at 195. "[L]ikelihood of confusion is inevitable when, as in this case, the identical mark is used concurrently by unrelated entities." *Id.* The marks used by defendants are identical to those used by RNC, and RNC has made clear that no affiliation exists between the parties. Therefore, despite the lack of evidence on this record, the Court finds that a high likelihood of confusion exists.

4. Defendants' Arguments

In their brief, defendants argue at length that RNC lacks authority to no longer recognize defendants as members, that federal law does not provide authorization to revoke defendants' permission to use RNC's trademarks, and that Virgin Islands law does not provide authorization to revoke defendants' permission to use RNC's trademarks. *See* ECF No. 47, at 4-10.

First, the argument that RNC lacks authority to remove defendants as members is irrelevant to these proceedings. In support, defendants argue that both VIGOP and RNC bylaws prohibit the removal of members absent specific circumstances which were not demonstrated here. *See id.* at 4-7. However, the question of whether defendants are members of the RNC is far subordinate to the question of whether they are permitted to use RNC's marks. *See Birthright v. Birthright, Inc.*, 827 F. Supp. 1114, 1135 (D.N.J. 1993) ("What is

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critical is that Birthright Inc. knew which entity owned the mark; that Birthright Inc. knew that plaintiff monitored and controlled the use of the mark; and that Birthright Inc. knew that authorized use of the mark required the permission of plaintiff. . . . Given these facts, the court concludes, as a matter of law, that the relationship between plaintiff and Birthright Inc. amounted to an implied license authorizing the latter to use the name. An implied license is terminable at will.”); *see also U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134, 146 (3d Cir. 1981) (holding when a local chapter loses affiliation to a national organization, the local organization “cannot complain when they lose the private privileges incident to affiliation.”). The only relevance of VIGOP’s affiliation with RNC is to the extent that it indicates that defendants have a license to use RNC’s marks, and whether that license was properly revoked.

Defendants rely on “Section 203 of the Copy Right Act” for the premise that RNC cannot revoke permission to use its trademarks under federal law. ECF No. 47, at 10 Defendants argue that because “the Lanham Act does not provide any provision relating to the termination of a trademark license,” the Copyright Act should apply. *Id.* Defendants therein concede that an implied licensing agreement exists between them and RNC. *Id.* at 4.

Defendants are somewhat correct – the Lanham Act does not provide any provisions relating to the termination of a trademark license. However, case law is quite explicit on the topic. “Courts are in agreement that a trademark license is terminable at will by the trademark owner, even where it is an express license . . . and certainly when the license is only implied.” *Chi. Mercantile Exch. Inc. v. Ice Clear US, Inc.*, 2021 WL 3630091, at *13 (N.D. Ill. Aug. 17, 2021); *see also, e.g., Dial-A-Mattress Operating Corp. v. Mattress, Inc.*, 847 F. Supp. 18, 19 n.1 (E.D.N.Y. 1994) (“An agreement conferring a license to use a trademark for an indefinite time, whether oral, written or by implication, is terminable-at-will by the licensor.”); *Birthright*, 827 F. Supp. At 1135 (“[A]n implied license is terminable at will.”); *Am. Tech. Ventures, LLC v. Orlov*, 2021 WL 4973536, at *5 (S.D. Fla. June 9, 2021) (same). Therefore, while there may be no statutory authority for RNC’s right to revoke permissive license to its trademarks at will, there is certainly common law support. This argument is without merit.

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Lastly, the Court is not swayed by any Virgin Islands law that purports to regulate rights under the federal Lanham Act. *See, e.g., Spartan Food Sys., Inc. v. HFS Corp.*, 813 F.2d 1279, 1284 (4th Cir. 1987) (“If a conflict arises between federal and state law, . . . the Lanham Act effects a limited preemption of state law, resolving the conflict in favor of the federal registrant’s rights.”); *Purolator, Inc. v. EFRA Distributors, Inc.*, 687 F.2d 554, 560 (1st Cir. 1982) (“[T]he rights of [the infringer] under Puerto Rico law cannot circumscribe the rights of [the federal trademark owner] to protection for its trademark under the federal trademark laws.”). Therefore, this argument fails from the outset.

In sum, the Court finds that RNC holds valid and legally protectable trademarks, that it owns those marks, and that there is a high likelihood of confusion between its marks and defendants’ use of those marks. Defendants’ arguments to the contrary are without merit. Accordingly, the Court finds that RNC is likely to succeed on the merits of its trademark infringement claims.

B. Whether RNC will Suffer Irreparable Harm

“Irreparable harm ‘must be of a peculiar nature, so that compensation in money alone cannot atone for it.’” *Opticians Ass’n*, 920 F.2d at 195 (quoting *Morton v. Beyer*, 922 F.2d 364, 372 (3d Cir. 1987)). “Grounds for irreparable injury include loss of control of reputation, loss of trade, and loss of good will.” *Pappan Enters., Inc. v. Hardee’s Food Sys., Inc.*, 143 F.3d 800, 805 (3d Cir. 1998); *see also Opticians Ass’n*, 920 F.2d at 195 (same) (citations omitted). “Lack of control over one’s mark ‘creates the potential for damage to . . . reputation[, which] constitutes irreparable injury for the purpose of granting a preliminary injunction in a trademark case.’” *Kos Pharms.*, 369 F.3d at 726 (quoting *Opticians Ass’n*, 920 F.2d at 196) (alterations in original). Accordingly, “trademark infringement amounts to irreparable injury as a matter of law.” *Id.* (quoting *S & R Corp. v. Jiffy Lube, Int’l, Inc.*, 968 F.2d 371, 378 (3d Cir. 1992); *see also Times Mirror Magazines, Inc. v. Las Vegas Sports News, L.L.C.*, 212 F.3d 157, 169 (3d Cir. 2000) (“potential damage to . . . reputation or goodwill or likely confusion between parties’ marks” is irreparable injury). “[O]nce the likelihood of confusion caused by trademark infringement has been established, the inescapable conclusion is that there was also irreparable injury.” *Pappan Enters*, 143 F.3d at 805.

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Defendants argue that “[p]laintiff has failed to prove any harm without an adequate legal remedy,” citing no case law in support of this proposition. ECF No. 47, at 11. Instead of a legal basis, defendants instead rely on their contention that they “are still members of the RNC; therefore, Plaintiff is not lacking control over its mark, and there has not been a creation of potential for damage to Plaintiff’s reputation that would constitute irreparable injury. . .” *Id.* This is inapposite. Defendants used RNC’s marks based on a license and that license has been revoked. The Court finds that RNC is entitled to a presumption of irreparable harm, because, having shown a likelihood of confusion, “trademark infringement amounts to irreparable injury as a matter of law.” *Kos Pharms.*, 369 F.3d at 726.

C. Balancing of Hardships

In evaluating a motion for preliminary injunction, “the third task a trial court must undertake is to balance the hardships of the respective parties.” *Opticians Ass’n*, 920 F.2d at 197. “The basic purpose behind the balancing analysis is to ensure that the issuance of an injunction would not harm the infringer more than a denial would harm the mark’s owner.” *Id.*

Defendants argue that they “would not be able to properly conduct elections, events, marketing functions, fundraising or any other political activity without being able to use the federally registered trademarks and the marks for the VIGOP.” ECF No. 47, at 11. However, defendants here have “openly, intentionally, and illegally appropriated” the RNC’s trademarks, “despite being warned not to.” *Opticians Ass’n*, 920 F.2d at 197. “By virtue of this recalcitrant behavior, the [defendants] can hardly claim to be harmed, since [they] brought any and all difficulties occasioned by the issuance of an injunction upon [them]self.” *Id.* (citing *Processed Plastic Co. v. Communications, Inc.*, 675 F.2d 852, 859 (7th Cir. 1982) (after a company intentionally copied a toy car, that company did not suffer hardship because, *inter alia*, it “cannot now complain that having to mend its ways would be too expensive.”); *Ideal Indus., Inc. v. Gardner Bender, Inc.*, 612 F.2d 1018, 1026 (7th Cir. 1979) (“One entering a field already occupied by another has a duty to select a trademark that will avoid confusion. . . . Having adopted [a trademark which causes confusion, defendant] cannot now complain that having to mend its ways will be too expensive.”) (alteration in original)).

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Accordingly, the Court finds that the potential harm to RNC by not granting an injunction outweighs the potential harm to defendants if the injunction were granted.

D. Public Interest

The final consideration is whether the issuance of a preliminary injunction furthers the public interest. “Public interest can be defined a number of ways, but in a trademark case, it is most often a synonym for the right of the public not to be deceived or confused.” *Opticians Ass’n*, 920 F.2d at 197; see *Bill Blass, Ltd. v. Saz Corp.*, 751 F.2d 152, 156 (3d Cir. 1984) (there is a public interest in the protection of the trademark and to avoid confusion in the public); *SK & F, Co. v. Premo Pharm. Labs.*, 625 F.2d 1055, 1057 (3d Cir. 1980) (“preventing deception of the public is itself in the public interest”).

Defendants argue that “public interest is best served if the administrative body with the most expertise in regulating political elections[] is not denied the opportunity to consider whether the plan proposed by VIGOP is a viable one.” ECF No. 47, at 12. Defendants then assert that “deference should be given to the Virgin Islands Board of Elections and the BOE’s recognition of VIGOP party officers.” ECF No. 47, at 12. Defendants’ argument is predicated on the premise that the determination of the Virgin Islands Board of Elections is a bellwether of sound election law. *But see generally Sarauw v. Fawkes*, 66 V.I. 253 (2017) (overruling the Superior Court and Virgin Islands Board of Elections, and enjoining BOE from certifying an election where an elected Senate candidate did not meet the Virgin Islands’ residency requirement); *Bryan v. Fawkes*, 61 V.I. 201 (2014) (overruling the Superior Court and Virgin Islands Board of Elections, and enjoining BOE from permitting a Senate candidate to appear on the ballot where the candidate had committed a crime of moral turpitude).

The case here is straightforward. Defendants were told in August 2020 to cease all “VIGOP branded political activity, political action committees, and fundraising. . .” Ex. B. Despite this, defendants continued to fundraise under the VIGOP branding. See Ex. D. This is after an express revocation of defendants’ authority to do so. This amounts to the defendants raising \$406,786.91 by expressly misrepresenting themselves to be member-affiliates of the RNC. See Ex. C; Ex. D.

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Often, a balancing of public interest is a more abstract exercise. Rarely is it so clearly quantifiable as it is here, by a federal filing accounting for funds raised by defendants over a fifteen-month span of their infringement. The Court finds that the public's interest in not being deceived or confused far outweighs its interest in allowing the Virgin Islands Board of Elections to carry out its duties unchecked, as defendants suggest.

E. Bond Requirement Under Rule 65(c)

Federal Rule of Civil Procedure 65(c) states that “[n]o restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c).

Although “the amount of the bond is left to the discretion of the court, the posting requirement is much less discretionary.” *Frank's GMC Truck Ctr., Inc. v. Gen. Motors Corp.*, 847 F.2d 100, 103 (3d Cir. 1988) (“While there are exceptions, the instances in which a bond may not be required are so rare that the requirement is almost mandatory.”) In other words, Rule 65(c) “mandates that a court when issuing an injunction must require the successful applicant to post adequate security.” *Id.*

Neither party has addressed the bond requirement. However, RNC seeks injunctive relief to protect its trademark rights. Defendants did not offer any evidence that they will suffer a financial loss as a result of the injunction, only argument that the injunction will impede their ability to fundraise and conduct other similar events. See ECF No. 47, at 11. Therefore, the Court will require Plaintiffs to post a bond of \$10,000.00 before the preliminary injunction will issue.

IV. CONCLUSION

For the reasons set forth above, the Court finds that RNC's trademarks are valid and legally protectible, that it owns the marks, and that there is a likelihood of confusion arising from defendants' use of the marks. Thus, RNC is likely to succeed on the merits of its trademark infringement claims. The Court further finds that RNC will suffer irreparable harm absent a preliminary injunction, that RNC's potential harm outweighs defendants', and that public policy supports a preliminary injunction in this case. Accordingly, the Court finds

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that RNC has met its burden and is entitled to a preliminary injunction on its trademark infringement claims effective at such time as RNC posts a bond for \$10,000.00. Having established that RNC is entitled to a preliminary injunction on its trademark infringement claims, the Court declines to address the trademark dilution claim, as the relief requested is identical to that afforded by its trademark infringement claims. Therefore, the Court will grant RNC's motion for preliminary injunction. A separate Order follows.

Date: August 10, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge



Our History

NM Libertarians Meet

ALBUQUERQUE, N.M. (AP) — The first state convention of the Libertarian Party of New Mexico, the state's newest political party, was scheduled to get under way today in Albuquerque.

The party's acting state chairman, Diana Amsden, said the convention will elect officers, develop a platform and make plans for putting a presidential candidate on the state general election ballot in November.

She said 10,000 signatures on a petition and \$500 for a filing fee are needed to get the Libertarian party's candidate on the state election ballot.

The party's presidential candidate is Dr. John Hospers, chairman of the philosophy department at the University of California at Los Angeles and founder of the national Libertarian party.

News story about the first Libertarian Party of New Mexico convention in 1972, via the Gallup Independent newspaper.

A Brief History of the Libertarian Party of New Mexico

The Libertarian Party of New Mexico was founded on June 27, 1972. The party held its first convention on July 22, 1972.

The party may have been formed by members of the University of New Mexico Students of Objectivism Club. The first LPNM party chair was Diana Amsden.

The LPNM is the state affiliate of the Libertarian Party.

Throughout most of its history, the LPNM operated as a minor party in the state. The party frequently ran candidates for local and state office, but none were ever elected.

Libertarian Party voter registrations in New Mexico hovered around 5,000 until 2016, when former New Mexico governor Gary Johnson ran for President of the United States on a Libertarian ticket. Since that time, Libertarian registrations have increased at a rapid rate. As of April, 2018, the New Mexico Secretary of State reported a total of more than 8,000 registered Libertarians.

In January, 2018, the Libertarian Party of New Mexico gained major party status.

On March 4, 2018, the LPNM held its first-ever nominating convention for candidates for state and federal office.

On June 5, 2018, Libertarian voters in New Mexico first participated in a primary election.


LIBERTARIAN PARTY
of NEW MEXICO

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ELECTIONS

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- Volunteer
- Donate
- LPNM Calendar

STATE OF NEW MEXICO

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LINCOLN COUNTY

Aug 23 1972
at 2:30 PM
Allen Long



CLERK

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OFFICE OF
THE SECRETARY OF STATE

Certificate

I, Betty Fiorina, Secretary of State of the State of New Mexico, do hereby certify

that

the Libertarian Party of New Mexico has filed their rules and regulations in this office on the 26th of July, 1972 in compliance with Section 3-7-6 of the New Mexico Election Handbook, 1969 Edition as amended.

I further certify that the rules and regulations were approved by the office of the Attorney General on the 31st of July, 1972.

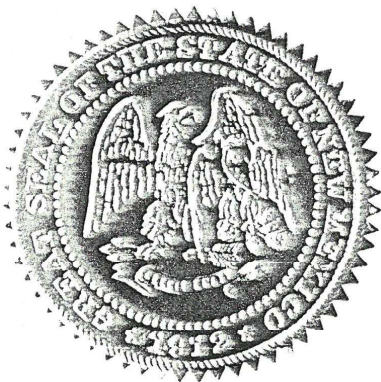


THE

LIBERTARIAN

PARTY OF NEW MEXICO

The above is a true and correct copy of the party's name and emblem as filed in this office.



Given under my hand and the Great Seal of the State of New Mexico, in the City of Santa Fe, the Capital on this 8th day of August A. D. 1972.

Betty Fiorina
Secretary of State