

**BEFORE THE JUDICIAL COMMITTEE
OF THE LIBERTARIAN PARTY**

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

**BRIEF OF AMICUS CURIAE HECTOR ROOS
IN SUPPORT OF REINSTATEMENT OF THE
LIBERTARIAN PARTY OF NEW HAMPSHIRE**

ATTESTATION

Hector Roos is a sustaining member of the Libertarian Party and certifies they filed this petition as themselves, that this petition is accurate and not filed to harass, delay, or for any improper purpose. The most recent sustaining-membership renewal payment was made on April 21, 2026, and the sustaining membership expires on April 21, 2027, 365 days after that renewal payment.

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INTEREST OF AMICUS CURIAE

Hector Roos is a sustaining member of the Libertarian Party and submits this brief because this appeal concerns the integrity of the Party's internal constitutional structure.

The issue is broader than whether LPNH should have endorsed Donald Trump in 2024. Article 5.4 expressly limits affiliate endorsements. The question here is whether enforcement of that rule occurred through the procedures, institutional safeguards, and limits on authority that the Party itself adopted.

Every affiliate and every sustaining member has an interest in predictable application of those rules.

Article 5.5 makes affiliate autonomy the governing rule. Article 5.6 creates an extraordinary exception permitting revocation for cause. Article 8 establishes an independent Judicial Committee to review such actions. And the Party's parliamentary authority supplies procedural principles governing quorum, continuing breaches, disciplinary practice, and interpretation of ambiguous rules.

A Party committed to decentralized authority cannot maintain meaningful affiliate autonomy if the exception to autonomy is construed as virtually unlimited discretion. Nor can the Party expect members, affiliates, or ultimately civil courts to defer to internal remedies if the tribunal supplying those remedies is itself constituted contrary to the Bylaws.

Amicus therefore asks this Committee neither to approve nor condemn LPNH's political style. Amicus asks the Committee to enforce the institutional rules that make internal self-government possible.

QUESTIONS PRESENTED

1. Whether the present Judicial Committee was lawfully constituted when the 2026 Convention elected only two members, Article 8 fixes five members as a quorum, and those two members thereafter purported to appoint five additional members - relying on 2016 practice that involved the same quorum language but no identified adjudication of the quorum objection.
2. Whether appointments made without the required quorum remain a continuing breach while those appointments continue to supply the authority by which the purported appointees hold office, and whether a contested Article 5.6 revocation can attain lawful finality without review by a lawfully constituted Judicial Committee.
3. Whether the 2021 Dixon investigation, the 2022 Reno Convention ruling requiring full due process including trial, the 2022 Delaware affiliate decision, and later Party practice support meaningful process and provide interpretive evidence of how sufficiently specific cause is developed, even though the Dixon report was not adopted as a permanent Special Rule of Order.
4. Whether the May 25 LNC deliberately departed from that institutional practice when it twice rejected an investigatory committee and immediately revoked LPNH's affiliation.
5. Whether the May 25 motion satisfied Article 5.6's requirement to specify the nature of the cause when it relied upon the Trump endorsement, generalized assertions of undermining candidates and espousing anti-libertarian positions, and the phrase 'these reasons and more.'
6. Whether the single 15-2-1 vote on that compound proposition establishes that three-fourths of the entire LNC separately found any one asserted ground independently sufficient, and whether the Judicial Committee may sever defective grounds to affirm on a narrower proposition never separately adopted by the required supermajority.
7. Whether evidence and particulars supplied after May 25 may prove a cause actually specified in the motion but may not retroactively supply unidentified cause, define 'and more,' or create a supermajority vote on a ground the LNC never separately considered.
8. Whether Article 5.6 may be used to punish an affiliate for personal conduct by Jeremy Kauffman or disagreement with affiliate leadership choices protected by Article 5.5, and whether organizational continuity gives legal relevance to later conventions, elections, corrective acts, and repudiation as well as to earlier misconduct.
9. Whether the LNC's delay, September 2025 censure, intervening 2025 and 2026 LPNH conventions, and June 2026 formal repudiation materially limit reliance on stale conduct as present cause for the prospective remedy of revocation absent specifically identified new post-censure cause.

SUMMARY OF ARGUMENT

The revocation should be reversed beginning with the structural defect. The 2026 Convention elected only two members of a seven-member Judicial Committee whose quorum is fixed at five. Those two later selected five appointees. Their June 1 explanation relied on the similar 2016 episode but did not address why fewer than five members could exercise Judicial Committee appointment power. If the 2026 appointments were unauthorized, their effects continue and Article 5.6 review cannot lawfully be supplied by a tribunal whose majority derives from those disputed appointments.

Even assuming a lawful tribunal, May 25 departed sharply from Party practice. The 2021 Dixon investigation was not adopted as a permanent Special Rule of Order, and Amicus does not contend every affiliate controversy must reproduce it. Its narrower significance is that the LNC expressly commissioned an investigation and a model for investigating internal matters, producing documented facts rather than generalized accusation. Reno supplied the Convention's due-process interpretation, Delaware protected affiliate unit rights, and later practice continued to use defined charges, notice, and adjudication.

The May 25 LNC rejected investigation and adopted one compound motion containing the Trump endorsement, generalized allegations of undermining candidates and anti-libertarian positions, and unidentified 'reasons and more.' One 15-2-1 roll call approved that aggregate proposition; it did not establish that three-fourths of the entire LNC independently regarded the endorsement, or any other component, as sufficient standing alone. Later evidence may prove a cause actually specified, but post-hoc amici cannot retroactively define 'and more,' add a new cause, or create a supermajority vote that never occurred.

Amicus does not contend that leadership turnover erases LPNH's 2024 institutional acts. Organizational continuity works both ways: later conventions, leadership elections, corrective action, and the June 2026 formal repudiation are also acts of the same continuing affiliate. Those events bear on present cause, cure, attribution, proportionality, and the prospective remedy of revocation under Article 5.5's protection of affiliate autonomy.

Delay and prior discipline sharpen the issue. The LNC knew of the endorsement, considered it in 2025, and an LNC member questioned whether action over the 2024 election remained timely. The LNC later chose censure while continuing affiliation. Civil laches does not mechanically govern this internal appeal, but unreasonable delay, reliance, intervening self-government, prior discipline, and cure are persuasive when deciding whether stale conduct remains present cause. If materially new post-censure organizational conduct justified escalation to revocation, Article 5.6 required the May 25 motion to specify that new cause. The Judicial Committee should review the action actually taken, not reconstruct a cleaner motion after the fact, and should order reinstatement without prejudice to a future properly specified and lawfully conducted proceeding based on present organizational cause.

ARGUMENT

I. THE JUDICIAL COMMITTEE MUST FIRST DETERMINE WHETHER IT IS LAWFULLY CONSTITUTED.

Article 8 establishes a seven-member Judicial Committee and expressly provides that five members constitute a quorum. The draft Convention record states that only two of the seven positions were filled by the delegates and that five vacancies remained. The delegates attempted but failed to complete the election before adjournment. See Draft Minutes, Libertarian Party National Convention, May 22-25, 2026. The two elected members thereafter purported to fill all five vacancies. That raises a threshold question of institutional authority.

A. The vacancy clause identifies who appoints; it does not eliminate the quorum.

Article 8 directs the “remaining members” to fill vacancies. But it does not say:

remaining members may act notwithstanding the quorum requirement.

Nor does it say:

all remaining members constitute a quorum for appointments.

The vacancy clause and quorum clause can be harmonized: the remaining members possess the appointment power, but the Committee must possess the quorum necessary to exercise that power. The contrary construction makes the five-member quorum disappear precisely when an extremely small remnant of the Committee is exercising consequential institutional power.

B. RONR expressly protects quorum requirements from suspension.

RONR 25:10 places quorum rules among protections of absentees that cannot be suspended. The accompanying footnote addresses the present problem particularly well: an elected or appointed body that lacks authority to set its own quorum may not simply dispense with that quorum even when every person presently serving agrees.

The Judicial Committee does not establish its own quorum. The delegates did. **Five.**

C. This is not a technical defect.

The two elected members effectively selected five of the seven people who now constitute the appellate tribunal. If the quorum rule applies, two members could not appoint themselves into a functioning majority by supplying the five missing members through an act the body lacked a quorum to take. That is precisely the type of concentration a quorum protects against.

D. The breach continues if the appointments continue.

RONR 23:6 distinguishes ordinary untimely procedural objections from actions whose violation remains in force. The five purported appointments are not completed acts with no present consequence. The appointees claim office because of those acts today. Every hearing, vote, deliberation, rule, or decision dependent upon those appointments continues to rely on the disputed authority. Accordingly, if the appointments violated Article 8 and RONR 25:10, the breach is continuing.

E. Administrative necessity does not rewrite the Bylaws.

The strongest contrary argument is practical: without allowing the two remaining members to appoint replacements, the JC could not function. But inability to function can be the intended consequence of a quorum requirement. The remedy for an unworkable bylaw is amendment by the body authorized to amend it and not insertion by interpretation of words such as “notwithstanding the quorum requirement.” The Committee should therefore identify affirmatively the provision authorizing two members to transact appointment business despite the fixed quorum. If no such authority exists, the appointments cannot stand merely because they were convenient.

F. The June 1 explanation relies on 2016 practice but does not answer the quorum question.

On June 1, 2026, O'Brien and Moellman sent a Party-wide message announcing the five appointees and explaining the criteria used to select them. The message expressly relied on 2016, stating that three Judicial Committee members had been elected that year and had appointed the other four. It then explained why the two 2026 members chose persons outside the 2026 candidate pool. See A Message From the Judicial Committee (June 1, 2026), at 1-3.

What the message does not do is identify any authority permitting two members to transact Judicial Committee business despite Article 8's five-member quorum. It answers the selection question - whom to appoint - while assuming the power question - whether two members could appoint at all. Reliance on 2016 therefore does not resolve the issue now before this Committee.

The June 1 message also states that the 2026 delegates had “voted down motions to approve the next 5 highest vote recipients.” The draft minutes present a more limited parliamentary record. A proposed resolution premised on two elected members and five vacancies was ultimately ruled out of order because voting was ongoing, while a later motion to suspend the rules and conduct a second round of Judicial Committee voting failed by standing vote. See Draft Minutes, Libertarian Party National Convention, May 22-25, 2026, at 46-47. Those events establish that five vacancies remained. They do not establish a delegate mandate authorizing two members to ignore the quorum requirement or to select five outsiders.

G. The 2016 episode is prior practice, not controlling precedent, and 2026 presents a materially more severe structural problem.

The 2016 Bylaws used the same operative structure: seven Judicial Committee members; any five constituting a quorum; and the remaining members appointing replacements when vacancies occur. See Libertarian Party Bylaws and Convention Rules (2016), Art. 8.1. The 2016 Convention elected only Alicia Dearn, Gary Johnson of Texas, and Chuck Moulton, leaving four vacancies. See Libertarian Party National Convention Minutes, Orlando, Florida, May 27-30, 2016, at 43.

That history proves a similar practice occurred. It does not prove that the quorum issue was raised, considered, and adjudicated. No source identified in this record shows a ruling that the vacancy clause displaced the five-member quorum, an appeal resolving that question, or a bylaw amendment codifying a sub-quorum appointment power. An unchallenged or unresolved practice cannot amend contrary written language merely through repetition.

The 2026 circumstances are also quantitatively and institutionally more extreme. In 2016, three convention-elected members selected four appointees. In 2026, only two convention-elected members selected five appointees - meaning five of seven seats, and therefore a supermajority of the entire tribunal, derive their claimed authority from an act taken by fewer than half the number Article 8 says constitutes a quorum. The quorum objection is now squarely presented and cannot be answered simply by pointing to a prior episode in which the same objection apparently was not adjudicated.

II. WITHOUT A LAWFULLY CONSTITUTED JUDICIAL COMMITTEE, A CONTESTED ARTICLE 5.6 REVOCATION CANNOT ATTAIN LAWFUL FINALITY.

Article 5.6 creates more than an LNC vote. It creates a process. The LNC may revoke an affiliate for cause by three-fourths of the entire Committee. The affiliate may appeal. The Judicial Committee must hold a hearing, permit evidence and argument, and either affirm or reinstate the affiliate. Once LPNH timely appealed, lawful JC review became part of the revocation process. An appellant entitled to review by the Judicial Committee is entitled to review by the Judicial Committee constituted under Article 8, not by a tribunal whose majority derives its authority from a disputed sub-quorum appointment. The automatic-affirmance clause does not cure this. That provision reasonably prevents a valid Judicial Committee from defeating an LNC decision through indefinite inaction.

It should not mean:

1. The Party guarantees an appeal.
2. The Party fails to provide a lawful appellate tribunal.
3. The affiliate therefore cannot receive its appeal.
4. The inability to receive the promised appeal automatically defeats it.

Such a construction would make violation of Article 8 the mechanism by which Article 5.6 review disappears. The proper interim result is restoration or preservation of the pre-revocation status quo unless and until lawful appellate review exists.

III. PARTY PRACTICE AND AUTHORITATIVE INTERPRETATIONS SUPPORT INVESTIGATION, SPECIFICITY, AND MEANINGFUL DUE PROCESS.

Article 5.6 does not exist without institutional history. The Party has repeatedly confronted disciplinary and affiliate disputes, and those experiences are relevant to interpreting the undefined phrase 'for cause,' the express specificity requirement, and the meaning of a meaningful appellate record.

A. Dixon is interpretive practice and a model for factual specificity, not a permanently codified Special Rule of Order.

During the 2021 LPNH controversy, the LNC created an ad hoc investigatory committee, charged it with examining the internal dispute, and directed it to set forth a model for investigating internal matters. The committee interviewed participants, reviewed communications and other evidence, developed a factual record, and issued a written report.

Amicus does not contend that the LNC later adopted the Dixon report or each recommendation as a permanent Special Rule of Order, nor that every affiliate controversy must mechanically reproduce Dixon. The July 13, 2026 Harlos amicus correctly identifies that limitation. See Amicus of Caryn Ann Harlos dated July 13, 2026, at 1-3.

Dixon's relevance is narrower and stronger: it is an LNC-approved example of how generalized controversy can be converted into documented particulars before consequential institutional action. That experience is interpretive evidence when Article 5.6 expressly demands specified cause but does not define the procedures by which cause is established.

Investigation does not merely produce 'more process.' It identifies the actor, act, date, authority, evidence, disputed facts, and findings - the information needed to make a charge answerable and a decision reviewable.

A written investigative report gives the affected entity something concrete to answer and the decisionmaker something concrete to adjudicate. That is the practical relationship between due process and specificity. Dixon does not dictate one mandatory procedure; it shows what the Party itself has recognized as a reliable way to move from accusation to documented cause.

B. Reno established that serious “for cause” discipline carries an expectation of full due process.

At the 2022 Convention, the delegates determined that former LNC Secretary Caryn Ann Harlos should have received full due process, including a trial, before her removal as Secretary, and treated the removal without that process as null and void. See *Kosin v. LNC*, Judicial Committee opinions (discussing the Convention’s authority to resolve the disputed disciplinary interpretation). That is more than mere custom. The national Convention is the supreme deliberative body capable of interpreting ambiguous provisions and changing the Bylaws.

The Party therefore possesses a prior authoritative interpretation that serious “for cause” disciplinary authority is not merely:

obtain enough votes first and allow the respondent to complain afterward.

Articles 5.6, 6.7, and 7.5 are not identical, but they use parallel “for cause” structures and JC review. At minimum, Reno supplies a strong presumption that serious discipline should proceed through meaningful process unless the Bylaws clearly establish otherwise.

C. Delaware demonstrates corresponding protections for affiliate “unit rights.”

The distinction between individual rights and affiliate rights should be acknowledged, not avoided. *Harlos* principally concerns individual membership and office rights. *Delaware* concerns organizational or unit rights.

In the 2022 Delaware leadership controversy, the Judicial Committee recognized the affiliate's right of self-rule and refused to allow the LNC to use a substitute recognition procedure to accomplish the functional equivalent of disaffiliation. See *McVay/Hinds v. LNC*, Libertarian Party Judicial Committee (Feb. 13, 2022). That establishes that affiliates possess institutional interests separate from whichever persons occupy office at a given moment. Those

interests include autonomy, continuity, recognition, internal leadership selection, and the Article 5 procedures governing termination of affiliation.

D. Later disciplinary practice reinforces the same institutional expectation.

Later LNC disciplinary proceedings also used formal allegations, specifications, notice, trial procedures, and appellate review. See *In re Suspension of LNC Secretary Caryn Ann Harlos*, Libertarian Party Judicial Committee (2024). These proceedings are not identical to affiliate revocation, but they reinforce a recurring institutional preference for defined charges and an adjudicable record before serious 'for cause' discipline.

The significance is cumulative:

Investigation supplies facts.

Specific charges define the controversy.

Notice gives the respondent something concrete to answer.

Trial or hearing adjudicates those defined charges.

Appeal reviews the resulting decision.

The May 25 process compressed almost all of those stages into one motion and one vote.

E. The contrast with May 25 could hardly be greater.

The May 25 draft minutes show that an investigatory committee was proposed during agenda consideration and rejected; when the revocation motion itself was pending, investigation was proposed again and rejected again. The motion then proceeded directly to a 15-2-1 vote. See Draft Minutes, LNC Post-Convention Meeting, May 25, 2026, at 7, 9-10. The unofficial transcript independently confirms Shaw's first request for an investigative committee during agenda consideration. See Unofficial Transcript, LNC Post-Convention Meeting, May 25, 2026, at 3.

The absence of investigation therefore was a deliberate procedural choice. It matters not because Dixon created an inflexible rule, but because the LNC rejected a familiar mechanism for developing particulars and then relied upon generalized accusations and unidentified additional causes. That choice intensifies the Article 5.6 specificity problem.

IV. THE MAY 25 MOTION FAILED ARTICLE 5.6'S SPECIFICITY REQUIREMENT; POST-HOC PARTICULARS AND SEVERANCE CANNOT CURE THE COMPOUND VOTE.

Article 5.6 is unusually explicit: "a motion to revoke for cause must specify the nature of the cause." The May 25 motion stated that LPNH endorsed Donald Trump, alleged that it "crudely and repeatedly undermined" Libertarian candidates, alleged "numerous anti-libertarian positions," and then resolved to revoke LPNH because of "these reasons and more." See Draft Minutes, LNC Post-Convention Meeting, May 25, 2026, at 9-10.

A. "And more" is the opposite of specification.

The clause does not merely omit detail accidentally. It affirmatively incorporates unidentified additional reasons. Article 5.6 requires the cause to be specified in the motion. A phrase announcing that additional unspecified causes exist cannot satisfy that condition. The problem is

practical as well as textual. LPNH cannot carry its appellate burden against “and more.” The JC cannot determine whether “and more” was proven. The JC cannot determine whether it referred to actions of LPNH, actions of individual members, protected affiliate choices, or matters having no relationship to the Bylaws.

B. The broader allegations likewise lack the specificity the Party ordinarily produces through investigation.

The historical investigative model makes the contrast especially stark.

A Dixon-style report can tell the decisionmaker:

who, what, when, where, under what authority, supported by what evidence, disputed by whom, and with what finding.

The May 25 motion instead said:

“undermined our candidates;”

“anti-libertarian positions;”

“and more.”

Those are the kinds of broad institutional grievances an investigative record can convert into documented particulars. Dixon is therefore a practical benchmark, not a mandatory code: specificity should mean enough factual definition for the affiliate to know what conduct is actually charged and enough definition for the reviewing tribunal to determine whether the stated cause existed.

C. All asserted causes were submitted together.

The LNC did not vote separately on the Trump endorsement. It did not vote separately on alleged candidate-undermining. It did not vote separately on alleged anti-libertarian positions. It could not separately vote upon unidentified “more.” Instead, every asserted reason was packaged into one motion. That motion received one vote: 15-2-1.

D. The 15-2-1 vote establishes only approval of the whole proposition.

It does not establish that fifteen members believed the Trump endorsement alone warranted revocation.

A member might have believed:

- the endorsement alone was enough;
- the endorsement alone was insufficient but the additional allegations made revocation appropriate;
- current LPNH rhetoric was the decisive consideration;
- Kauffman's conduct was the decisive consideration; or
- some undefined accumulation of “more” tipped the balance.

All such members would appear in the roll call simply as Yes. Thus, the roll call identifies the result, not the independently sufficient reasoning of each voter.

E. RONR provided a mechanism to obtain separate determinations.

RONR §27 permits division of a question containing independent propositions capable of standing separately. No division occurred. Nor did the resolution state that each alleged ground was separately and independently sufficient. Had the LNC intended each cause to support revocation independently, it could have structured the motion accordingly. It did not.

F. The JC cannot now create a narrower vote that never occurred.

Suppose the Judicial Committee concludes that:

- “and more” is impermissibly vague;
- “anti-libertarian positions” is insufficiently specified;
- some candidate-undermining allegations concern individual rather than affiliate activity; or
- some considerations violate Article 5.5 autonomy.

What remains is a narrower motion. But that narrower motion never received the recorded 15-2-1 vote. Article 5.6 requires three-fourths of the entire LNC. The JC should not presume that the residue of a partially invalid compound motion independently obtained a supermajority that was never actually measured. The issue is not whether the LNC could have revoked LPNH solely for the endorsement. The issue is whether it did. It did not. It revoked LPNH based upon “these reasons and more.”

G. Post-hoc evidence may prove a specified cause, but it cannot supply a cause the LNC never specified or a supermajority vote that never occurred.

Article 5.6 expressly permits interested persons to submit evidence and argument on appeal. Later evidence may therefore prove or disprove the cause the LNC actually specified. Evidence of the November 2024 endorsement, for example, may support the endorsement allegation that appeared in the May 25 motion.

But appellate evidence cannot change the identity of the cause adopted by the LNC. Recent amici supporting affirmance - including Caryn Ann Harlos, Daniel Reale, Justin O'Donnell, and Carol Moore - identify particular social-media posts, statements, Convention conduct, alleged threats, and other incidents that were not individually stated in the May 25 motion. Those particulars may be relevant only insofar as they prove an already specified ground; they cannot retroactively fill 'and more' with causes that were never identified to the voting body or the affiliate.

The distinction is dispositive because there was only one 15-2-1 vote. The Judicial Committee has no basis to conclude that fifteen members relied on the same later-identified incident, much less that three-fourths independently regarded that incident as sufficient cause. The accumulation of post-hoc particulars therefore illustrates the original specificity defect rather than curing it.

V. ARTICLE 5.6 CANNOT BE USED TO CIRCUMVENT ARTICLE 5.5 AFFILIATE AUTONOMY.

Article 5.5 provides that affiliate autonomy shall not be abridged by the LNC except as provided by the Bylaws. Article 5.6 is therefore an exception to autonomy, not a general national

supervisory power. The issue is not whether a new board erases old organizational acts. It does not. The issue is what present organizational cause existed on May 25, 2026, and whether the LNC specified and lawfully acted upon it.

A. Cause against Kauffman is not automatically cause against LPNH.

Amicus does not contend that leadership turnover erased the 2024 endorsement or any other valid official act of LPNH. The July 18 Harlos amicus and the O'Donnell filings correctly reject an automatic 'fresh start' rule. But the entity-liability principle operates in both directions. If LPNH is institutionally distinct from its officers, then Kauffman's personal conduct is not automatically organizational conduct merely because he serves as Chair. If cause exists against Kauffman individually, the procedures applicable to him should address it. If cause exists against LPNH, the LNC must identify conduct attributable to the affiliate and specify it under Article 5.6.

B. Affiliate leadership is itself an exercise of autonomy.

LPNH members replaced earlier leadership through their own elections and later elected Kauffman Chair. See LPNH Petition of Appeal (July 2, 2026). National officials may strongly object to that choice. Article 5.5 does not give the LNC a general veto over it.

The LNC cannot accomplish indirectly what it lacks authority to accomplish directly:

We cannot order you to elect a different Chair, but we can terminate your entire affiliate unless you do.

That would make affiliate autonomy contingent upon choosing leadership acceptable to national officials.

C. Organizational continuity cuts both ways.

If the 2024 endorsement remains attributable to the continuing LPNH entity, the later acts of that same entity also matter. LPNH held state conventions in 2025 and 2026, elected leadership through its own internal processes, and on June 4, 2026 its current Executive Committee formally repudiated the Trump endorsement, committed the organization against future endorsements prohibited by Article 5.4, and authorized this appeal. Organizational continuity cannot be invoked only to preserve inculpatory history while declaring later self-government and corrective acts irrelevant.

Those later actions do not erase the earlier violation. They bear on current institutional cause, attribution, cure, proportionality, and whether revocation remained a necessary prospective remedy after the affiliate exercised the autonomy Article 5.5 protects.

D. The Convention chronology makes the distinction important.

During the Convention, a motion to remove Kauffman from the Convention body was made. After division, it failed. See Draft Minutes, Libertarian Party National Convention, May 22-25, 2026. That was not a vote concerning LPNH affiliation. But the following afternoon, the new LNC proceeded against the affiliate he chaired. That timing, coupled with vague additional grounds and rejection of investigation, makes it especially important to determine whether the Article 5.6 action addressed organizational cause or a broader conflict with current leadership.

E. If current leadership supplied the true cause, Article 5.6 creates a dilemma.

If conduct by current leadership genuinely constituted organizational cause, it should have been specified in the motion. If it did not constitute cause, it could not lawfully be smuggled into the decision through “and more.” Either way, Article 5.5 prevents an undefined conflict with an affiliate's autonomous leadership from becoming an unstated justification for revocation.

The same anti-circumvention principle appeared historically in *Wagner v. LNC* (Judicial Committee 2011), where the Committee reasoned that the LNC could not accomplish through recognition what the affiliate provisions required it to accomplish through the prescribed affiliate process. The later Judicial Committee rescinded that ruling on jurisdictional grounds, so it is cited here only as persuasive historical reasoning, not binding precedent.

VI. THE LNC'S DELAY, PRIOR CENSURE, AND LPNH'S INTERVENING SELF-GOVERNMENT MATERIALLY LIMIT RELIANCE ON STALE CONDUCT AS PRESENT CAUSE FOR REVOCATION.

The best answer to the claim that a 'new board' cannot erase prior acts is not erasure. It is temporal and institutional: an old act remains part of the affiliate's history, but it does not necessarily remain indefinitely available as fresh present cause for the ultimate prospective sanction after the LNC knew of it, declined timely revocation, chose a lesser institutional response, allowed the affiliation relationship to continue through intervening elections and conventions, and the affiliate later took corrective action.

A. Laches is persuasive by analogy even though it does not mechanically govern an internal Party appeal.

District of Columbia law describes laches as an equitable doctrine preventing enforcement of stale claims when an unreasonable delay prejudices the opposing party. *Federal Marketing Co. v. Virginia Impression Products Co.*, 823 A.2d 513, 525 (D.C. 2003); *American University Park Citizens Ass'n v. Burka*, 400 A.2d 737, 740 (D.C. 1979). Amicus does not contend that civil laches mechanically bars an Article 5.6 proceeding. The doctrine is persuasive because it reflects a broader rule of institutional fairness: known misconduct should not remain dormant indefinitely while the relationship continues and circumstances materially change, only to be revived later as though the intervening history did not occur.

B. The LNC knew of the 2024 endorsement and itself raised timeliness before revocation.

The Trump endorsement was public and known to national Party officials. A May 2025 proposed censure expressly cited the endorsement along with other concerns. During the September 2025 censure debate, members again discussed the endorsement as a distinct issue. Keith Thompson urged separate condemnation of it, while At-Large Representative Travis Bost identified the threshold problem directly: 'whether such a motion related to the 2024 election is still timely.' LNC Public List, Motion to Censure the Libertarian Party of New Hampshire, Sept. 12, 2025. The staleness concern therefore existed inside the LNC months before the May 2026 revocation.

C. The September 2025 censure is not res judicata, but it is important evidence of institutional finality, acquiescence, and waiver.

The final September 2025 censure focused on LPNH's social-media conduct and invited the affiliate to disaffiliate voluntarily. It did not separately adjudicate the Trump endorsement, and Amicus does not contend that the censure legally immunized LPNH or created claim preclusion. But the surrounding debate shows that the LNC knew of the broader historical controversy, considered the endorsement, chose a lesser formal institutional response, and continued the affiliation relationship rather than invoking Article 5.6. See LNC Censure of the Libertarian Party of New Hampshire (Sept. 19, 2025).

That choice matters. It does not prevent later revocation for materially new cause. It does mean that a later LNC should identify what changed after the censure to justify escalation from condemnation while affiliation continued to institutional termination.

The same sequence also supports a waiver inference as to further discipline based solely on the same pre-existing cause. In *SJ Enterprises, LLC v. Quander*, 207 A.3d 1179 (D.C. 2019), the District of Columbia Court of Appeals explained that waiver may arise from conduct inconsistent with an intent to enforce a known right. Footnote 6 states the controlling procedural principle: “waiver is a question of law where the facts and circumstances relating to the subject are . . . clearly established.” *Id.*, slip op. at 9 n.6 (quoting *Word v. Ham*, 495 A.2d 748, 751 (D.C. 1985)). Applied here by analogy, the relevant intent is institutional. If the LNC knew of the pre-existing endorsement and related allegations, deliberately selected censure rather than revocation, continued to recognize LPNH, and did not reserve those same known acts as grounds for later escalation, that course of conduct supports an inference that censure was the LNC's chosen disposition of the then-existing cause. A change in LNC membership should not erase the prior LNC's institutional choice any more than a change in LPNH leadership erases the affiliate's institutional acts. This does not foreclose later revocation for materially new cause; it supports waiver or acquiescence against imposing a second, harsher sanction solely for the same known, pre-existing conduct absent a reservation or newly specified cause.

D. Intervening affiliate self-government and cure are part of the history of the same continuing entity.

During the period between the 2024 endorsement and the May 2026 revocation, LPNH held its March 2025 and March 2026 annual conventions and elected leadership through its own internal processes. After revocation, the current Executive Committee adopted a June 4, 2026 resolution repudiating the Trump endorsement, reaffirming compliance with the national Bylaws and Statement of Principles, prohibiting future official endorsements of candidates of other parties, and committing to corrective action where needed. These acts do not erase past conduct; they are later organizational acts of the same entity and are relevant to current cause and remedy. See LPNH Executive Committee Resolution (June 4, 2026).

E. If post-censure conduct justified escalation, Article 5.6 required the LNC to specify that new cause.

The opposition amici emphasize allegedly continuing misconduct after September 2025. If materially new LPNH organizational conduct after the censure transformed a lesser sanction into a need for revocation, that is exactly the kind of causal bridge Article 5.6 required the May 25 motion to identify. The motion did not specify a post-censure event or state that prior censure had failed because of identified subsequent conduct. Its only specific historical allegation - the Trump endorsement - predated the censure process by many months; the remaining allegations were generalized; and 'and more' left additional cause unidentified.

Affirmance on this record would make Article 5.6 cause effectively timeless: known conduct could remain dormant until a future LNC composition possessed sufficient votes to impose a harsher sanction, regardless of intervening discipline, elections, cure, or affiliate self-government. That reading is difficult to reconcile with Article 5.5's express protection of autonomy and Article 5.6's requirement that cause be specified when revocation is actually undertaken.

VII. NEITHER NEW MEXICO NOR THE 2026 CONVENTION CURES THE MAY 25 DEFECTS.

A. New Mexico is materially different.

The 2022 New Mexico matter involved an existing leadership crisis in which the state organization had asserted separation from the national Party. See LNC Respondent Brief (July 9, 2026) (discussing the 2022 New Mexico action). The LNC's later motion stated comparatively detailed governance allegations involving conventions, notice, exclusion of members, and asserted unauthorized disaffiliation. Most importantly, the New Mexico action did not produce the same contested Article 5.6 Judicial Committee proceeding presented here. It therefore demonstrates that the LNC previously used Article 5.6. It does not establish a binding internal rule that a contesting affiliate has no right to investigation, specific cause, or meaningful pre-revocation procedure.

B. The 2026 Convention did not decide LPNH's affiliation.

The draft Convention minutes contain no vote either disaffiliating LPNH or affirmatively preserving its affiliation. The May 25 decision was therefore independently the LNC's action, not implementation of a delegate mandate. During the Convention, a motion to remove Jeremy Kauffman from the Convention body was made and failed after division; that was an individual Convention-floor dispute, not a proxy vote on LPNH's affiliate status.

C. The failed 2026 bylaw proposal containing express trial language did not overrule Reno.

The Convention considered a multi-part bylaw proposal containing express trial provisions for officers and at-large members. The proposal failed. That does not establish that the delegates rejected due process. An omnibus proposal can fail for numerous reasons. Nor did it govern Article 5.6. The Convention did not expressly reverse its 2022 interpretation that serious "for cause" discipline required full due process including trial.

VIII. THE LNC-SUPPORTING AMICI PROVE AT MOST PREDICATE FACTS OR SUPPLY POST-HOC PARTICULARS; THEY DO NOT CURE THE MAY 25 DEFECTS.

Seebeck and Phillies emphasize the Trump endorsement; more recent amici, including Harlos, Reale, O'Donnell, and Moore, emphasize a broader record of statements and conduct. Taken together, these filings may supply evidence relevant to allegations actually specified by the LNC. They do not cure the structural, specificity, attribution, temporal, or compound-vote defects in the May 25 action.

A. Seebeck's "open-and-shut" theory omits the governing conditions.

Even assuming the endorsement violated Article 5.4, that fact does not determine:

- whether this JC was lawfully constituted;
- whether the Party's due-process interpretation applies;
- whether all causes were specified;
- whether the other allegations were organizational acts;
- whether Article 5.5 was violated;
- whether any cause was independently adopted by three-fourths; or
- whether the JC may sever the compound motion.

The general parliamentary concept of Rescind cannot eliminate the special conditions imposed by Article 5.6. The specific rule governs the specific act.

B. Phillies's "confession" theory similarly collapses violation and remedy.

An admitted fact can establish that the event occurred. It does not automatically determine the legal consequence. Amicus does not rely on a theory that leadership turnover erased the endorsement. The relevant point is that revocation is a prospective, discretionary institutional sanction, so subsequent elections, censure, repudiation, cessation or continuation of conduct, and corrective action can be relevant to present cause and remedy.

C. Neither amicus can sever the LNC's motion.

Both amici effectively invite the JC to say:

Whatever else may be defective, the Trump endorsement is enough.

But the LNC never took that vote. The 15-2-1 vote was on all asserted causes collectively. To affirm solely upon the endorsement would substitute a different motion for the motion actually adopted. That is not harmless error. It bypasses the Article 5.6 supermajority requirement.

D. Harlos's Dixon objection narrows, but does not eliminate, the relevance of the 2021 investigation.

The July 13 Harlos amicus argues that the LNC did not formally adopt the Dixon report or its recommendations as a permanent governing procedure and identifies later affiliate disputes handled differently. Amicus accepts the narrow premise and does not rely on Dixon as a codified Special Rule. Dixon remains relevant because the LNC expressly commissioned an investigatory process and a model for investigating internal matters, making it concrete evidence of how the Party has developed factual specificity when governance disputes become serious.

E. The 'new board erases old acts' criticism does not answer Amicus's actual position.

The July 18 Harlos amicus and O'Donnell filings correctly reject the proposition that a board election automatically nullifies prior organizational action. Roos does not advance that proposition. The argument is instead that organizational continuity includes later organizational conduct as well as earlier conduct, and that delay, prior discipline, cure, and changed circumstances affect whether an old act remains sufficient present cause for the extraordinary prospective remedy of revocation.

F. Reale, Harlos, O'Donnell, and Moore cannot retroactively convert particular evidence into cause the LNC never specified.

These amici identify specific posts, statements, alleged threats, Convention comments, and other conduct. If a particular item proves the already specified allegation that LPNH undermined candidates or espoused anti-libertarian positions, the Judicial Committee may evaluate that evidentiary contention. But if the item is offered as an independent reason for revocation, Article 5.6 required the cause to be specified in the May 25 motion, and the compound-vote problem remains: the record does not show that fifteen LNC members voted to revoke because of that particular item.

Reale's reliance on Kauffman's Convention conduct illustrates the separate attribution problem. If Kauffman's conduct was itself official LPNH action sufficient for revocation, it should have been specified as such. If it was individual conduct, the LNC must establish why it is attributable to the affiliate without turning Article 5.6 into an indirect veto over leadership protected by Article 5.5.

IX. CIVIL AUTHORITIES SUPPORT DEFERENCE TO INTERNAL SELF-GOVERNMENT WHEN THE ORGANIZATION ACTUALLY FOLLOWS ITS OWN RULES.

These authorities are persuasive context, not an assertion that the Judicial Committee has jurisdiction to adjudicate statutory claims. The point is narrower. Private associations receive substantial judicial deference precisely because courts ordinarily expect them to resolve their own internal affairs. That makes the validity of the internal process critically important.

A. District of Columbia law

The LNC is organized under District of Columbia nonprofit law. D.C. Code § 29-401.22 recognizes internal mechanisms for resolving disputes concerning nonprofit corporate action while preserving judicial enforcement of articles and bylaws where appropriate. D.C. Code § 29-406.30 likewise requires nonprofit directors, when discharging their duties, to act in good faith, reasonably believe their actions are in the nonprofit's best interests, and exercise appropriate care. Amicus offers those provisions as governance context, not as a request that this Committee adjudicate a separate statutory claim. See *OverDrive, Inc. v. Open eBook Forum*, 288 A.3d 305 (D.C. 2023); *Daley v. Alpha Kappa Alpha Sorority, Inc.*, 26 A.3d 723 (D.C. 2011); *Blodgett v. University Club*, 930 A.2d 210 (D.C. 2007). D.C. laches cases likewise provide persuasive equitable context concerning stale claims and prejudicial delay. See *Federal Marketing Co. v.*

Virginia Impression Products Co., 823 A.2d 513, 525 (D.C. 2003); *American University Park Citizens Ass'n v. Burka*, 400 A.2d 737, 740 (D.C. 1979).

The lesson is not that a court should govern the Libertarian Party. The lesson is that a functioning and lawful Judicial Committee is one of the strongest reasons a court should not have to.

B. Maryland law

Maryland authority is particularly appropriate persuasive authority when District of Columbia law does not resolve the precise private-association governance question presented. The reason is historical as well as doctrinal: District of Columbia common law derives from Maryland, and D.C. courts have repeatedly looked to Maryland decisions for guidance.

Although Maryland statutes and case law do not constitute the law of the District of Columbia, courts customarily look to Maryland law as “especially persuasive authority” in determining how the District of Columbia courts would rule on a question of law. *Potomac Plaza Terraces, Inc. v. QSC Prods., Inc.*, 868 F. Supp. 346, 352 n.9 (D.D.C. 1994) (quoting *Napoleon v. Heard*, 455 A.2d 901, 903 (D.C. 1983)). See also *Conesco Indus., Ltd. v. Conforti & Eisele, Inc.*, 627 F.2d 312, 315-16 (D.C. Cir. 1980) (“Since there is no District law on point, we should look to Maryland law first . . . because the District of Columbia derives its common law from that state and because District of Columbia courts have in the past looked to Maryland law for guidance.”).

Maryland decisions are therefore not offered as controlling District of Columbia law. They are offered as especially persuasive guidance on the treatment of voluntary-association governance, internal remedies, procedural regularity, and adherence to organizational rules where D.C. authority does not squarely answer the same question. Maryland cases likewise recognize substantial nonintervention in voluntary-association affairs while preserving scrutiny where action is irregular, arbitrary, or inconsistent with governing rules. See *NAACP v. Golding*, 342 Md. 663, 679 A.2d 554 (1996); *Tackney v. United States Naval Academy Alumni Ass'n, Inc.*, 408 Md. 700, 971 A.2d 309 (2009); *Chisholm v. Hyattstown Volunteer Fire Dep't, Inc.*, 115 Md. App. 58, 691 A.2d 776 (1997).

Accordingly, *Golding*, *Tackney*, and *Chisholm* are useful not because Maryland law governs the LNC, but because D.C. courts themselves recognize Maryland law as a particularly persuasive source when developing District common-law rules. Again, regularity is what earns deference.

C. Intraparty cases reinforce self-government through rules.

Cases including *Cousins*, *La Follette*, *Eu*, and *Ripon Society* recognize the unusual constitutional importance of political-party associational autonomy. More recently, *Pego v. Karamo* illustrates that a dispute between rival internal political-party groups can still present a legal question concerning who possesses authority under the organization's rules. The distinction is fundamental. Courts should hesitate to decide which political faction is correct. They need not

hesitate to determine what organizational rules say and whether persons exercising institutional power possessed authority to do so. That same distinction should guide this Committee.

CLOSING AND REQUESTED RELIEF

This case is not ultimately about Donald Trump. It is about whether the Libertarian Party's internal constitution binds the people exercising institutional power. The governing documents establish a coherent structure. Article 5.5 protects affiliate autonomy. Article 5.6 permits revocation only for cause, requires a three-fourths vote, requires the motion to specify the nature of the cause, and guarantees Judicial Committee review. Article 8 fixes the Judicial Committee's quorum at five. RONR prevents that quorum from simply being suspended.

The June 1 explanation of the five Judicial Committee appointments underscores the structural issue rather than curing it. O'Brien and Moellman relied on the 2016 experience and explained their selection criteria, but did not explain why two members could exercise appointment power under a bylaw that says five constitute a quorum. Because the same operative quorum language existed in 2016, that episode is best understood as prior practice whose validity was apparently not adjudicated, not as an amendment to Article 8. And 2026 places even more weight on the disputed action: five of seven seats were selected by only two convention-elected members.

Party history adds still more context. Dixon was not codified as a permanent Special Rule, but it remains an LNC-approved example of fact development and documented specificity. Reno added the Convention's due-process interpretation; Delaware protected affiliate unit rights; and later disciplinary practice continued to use defined allegations, notice, and adjudication.

May 25 stands apart because the LNC rejected investigation and then acted on one compound motion containing a specific endorsement, generalized accusations, and 'these reasons and more.' Recent amici have supplied many particulars after the fact, but evidence submitted on appeal cannot retroactively transform those particulars into causes the LNC itself specified and adopted by the required supermajority.

The temporal record matters as well. The LNC knew of the 2024 endorsement, debated its timeliness in September 2025, censured LPNH on related institutional concerns while leaving affiliation intact, and then allowed the relationship to continue through further affiliate self-government. LPNH's later conventions, leadership elections, and formal repudiation do not erase its earlier acts; they are later acts of the same continuing entity and matter to present cause, cure, proportionality, and autonomy.

If materially new post-censure conduct justified escalation to revocation, Article 5.6 required that cause to be specified. If the operative basis instead included Kauffman's personal conduct or national dissatisfaction with LPNH's autonomous leadership choices, Article 5.5 is directly implicated. The Judicial Committee should not reconstruct a cleaner or newer cause than the one the LNC actually put to a 15-2-1 vote.

And all of those issues come after the most basic one:

Does the present Committee itself possess lawful authority to decide the appeal?

For those reasons, Amicus respectfully requests that the Judicial Committee:

1. Determine first whether the five post-Convention appointments to the Judicial Committee were lawful under Article 8 and RONR's quorum requirements;
2. Hold that, if the appointments were unauthorized, their continuing exercise of office constitutes a continuing breach and cannot supply the lawful tribunal Article 5.6 requires;
3. Restore LPNH's affiliate status if lawful appellate review cannot presently be supplied;
4. Alternatively, reverse the May 25 revocation because the LNC deliberately rejected investigation and proceeded without the meaningful specificity and process reflected in the Party's institutional history;
5. Hold that Article 5.6's specificity requirement is not satisfied by generalized accusations or the phrase 'these reasons and more';
6. Hold that later evidence may prove a cause actually specified on May 25 but may not retroactively supply unidentified cause, define 'and more,' or create a supermajority vote on a later-identified ground;
7. Hold that the single 15-2-1 vote on a compound motion establishes only approval of that compound proposition and does not establish a three-fourths vote on any severed ground standing alone;
8. Decline to reconstruct the May 25 motion after the fact by removing defective causes and affirming on a narrower proposition the LNC never separately adopted;
9. Give appropriate weight to the LNC's delay, its September 2025 censure and continued recognition of LPNH, intervening affiliate conventions and elections, and the June 2026 repudiation when determining whether stale conduct remained present sufficient cause for revocation;
10. Protect Article 5.5 affiliate autonomy by distinguishing acts attributable to LPNH from personal conduct, speech, or leadership controversies involving individual officers; and
11. Reinstate LPNH without prejudice to any future proceeding based upon properly specified present organizational cause, developed through a lawful process providing meaningful notice, an opportunity to answer, factual development where appropriate, and adjudication by a lawfully constituted body.

The result does not immunize LPNH. It does not excuse an Article 5.4 violation. It does not prevent future discipline. It simply requires something more fundamental:

Before the Libertarian Party exercises extraordinary power against one of its constituent organizations, it must follow the rules by which Libertarians agreed that power would be exercised.

Respectfully submitted,

Hector Roos

Amicus curiae

LP Sustaining Member

LP Florida Executive Committee, Member (2021-2024)

LP Miami-Dade County, Chair (2023-Current)

2022 LP Florida Governor Candidate

Dated: July 28, 2026