

Filing cover & attestation

Petition #1 — (a) Suspension of an affiliate party

FILED BY

Caryn Harlos is a lifetime member of the Party.

ATTESTATION

This amicus brief was filed by Caryn Harlos on their own behalf, who is a lifetime member of the Party, and who adopts, incorporates, endorses, and accepts ownership of the material contained within as their own, has signed this document accordingly, and attests that it is accurate and not filed to harass, delay, or for any improper purpose.

**LIBERTARIAN PARTY OF NEW HAMPSHIRE ("LPNH" or "Appellant")
V.
LIBERTARIAN NATIONAL COMMITTEE ("LNC" or "Appellee")**

In re: Disaffiliation for Cause

**AMICUS OF CARYN ANN HARLOS DATED AUGUST 7, 2026
IN SUPPORT OF LNC**

**BEFORE THE NATIONAL LIBERTARIAN PARTY
JUDICIAL COMMITTEE ("JC")**

INTRODUCTION

This Amicus is written to address the Amici submitted by Todd Hagopian, Ben Weir, Stephan Kinsella, Hector Roos, and Jonathan Jacobs in that order. These responses, though combined in this one filing, will be handled in separate sections.

PREFACE TO RESPONSE TO TODD HAGOPIAN

I hate being in the position of disagreeing with a person I respect so much, but in another way, it is a great position since I have absolute trust in his good faith. We, after all, fought together and valiantly on the losing side of the most important Judicial Committee decision last term (perhaps in the Party's history), and one in which the Judicial Committee got it utterly and inexcusably wrong.

I will only address new points or to provide additional clarity. Hagopian raised one completely unique issue that while not essential to this case needs to be addressed; and that issue is the process of initial affiliation. My other responses will *primarily*, though not solely, deal with new arguments regarding the New Mexico disaffiliation in comparison to this present situation; and improper framing of the Colorado malfeasance¹ and reformation. I will try, and I am sure, fail, to be brief. And—in any circumstance where I contradict his facts or arguments—I do not intend to imply whatsoever that there is dissimulation.

I thank Hagopian for treating my past filings with such care and thoughtfulness.

¹ I will not downplay the utter breach of the national bylaws and the breaches of duty of every single person on that former LPCO board except the sole opposition vote.

INCORRECT RECOUNTING OF LNC ACTION

Hagopian gives a recitation of the events surrounding the passage of the disaffiliation motion and notification of same. I am not trying to nitpick, but as this record is important; to correct it. The first item has to do with the order of business on May 25, 2026. Hagopian states: “Disaffiliation came up under new business. A motion to establish an investigatory committee was made first and rejected.” That is not correct. The motion to disaffiliate came up first.²

Additionally, Hagopian references three grounds for disaffiliation while both the text as recorded in the minutes and the Amicus submitted by LNC Secretary Jonathan McGee indicate just two. The motion as recorded in the May 25, 2026 minutes is noted as follows:³

The bylaws are clear that affiliate Parties shall not endorse the candidate of another Party. Despite this, the Libertarian Party of New Hampshire openly and publicly endorsed Donald Trump during the election.

Furthermore, they have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions on a National level.

However, here is where Hagopian made an objectively factually incorrect statement. He claimed that “New LNC Chair Evan McMahon (Chair EM) sent formal notice roughly ten days later, on June 4, 2026, and that letter recited only the first ground.” The relevant language of the June 4, 2026 letter is set out below. It is exactly the same.⁴

The bylaws are clear that affiliate Parties shall not endorse the candidate of another Party. Despite this, the Libertarian Party of New Hampshire openly and publicly endorsed President Trump during the election.

Furthermore, they have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions on a National level.

² It was in effect a motion to amend by substitution, or perhaps a poorly framed motion to refer. If Hagopian means it was voted on first, that is the case for all subsidiary motions, but that motion was not *made first*.

³ https://mywikis-wiki-media.s3.us-central-1.amazonaws.com/lpedia/LNCMIN-PostConvention_2026-05-25.pdf

⁴ https://mywikis-wiki-media.s3.us-central-1.amazonaws.com/lpedia/LPNH_Chair_Notice_of_Revocation_06-04-2026_%28public%29.pdf

THE NEW MEXICO DISAFFILIATION

I do not believe Hagopian is properly characterizing the New Mexico disaffiliation. Perhaps my perspective is different as I was more procedurally involved as was necessary by our differing roles.

There was internal informal⁵ fact finding on complex issues of proper amendments to governing documents that were allegedly impugning upon member rights. There was no investigatory committee with formal written findings. To any extent that these situations are similar, it is in the LNC's favor.

The attempt to disaffiliate by LPNM was open and notorious and posted on their website.⁶ No investigation or inquiry was needed, similar to the open and notorious Trump endorsement by LPNH. The procedural violations were technical and were examined informally by the LNC (though later the subject of formal debate and vote(s)). The messaging violations by LPNH were not at all technical, but despite that, Nekhaila and at least one staff member met with LPNH to talk and attempt to resolve. There were numerous discussions between then LPNH Chair Ben Weir (who was also then- Region 6 Alternate) and the rest of the LNC in which Weir consistently behaved belligerently and aggressively.⁷ Nekhaila also recounted numerous personal discussions with Weir as they were, and remain, friends.

As I say in my response to Roos below, different situations are handled differently and are very fact specific. Even if the LPNM disaffiliation followed an investigatory committee model, that would not bind the LNC here (though that is, as I have stated, my preference). Technical procedural issues are not remotely similar to open and notorious violative messaging and an endorsement of Trump. The affiliate was well aware that its endorsement of Trump violated the national Bylaws and was cause for disaffiliation in addition to their inflammatory messaging. They might not have believed it would ever happen, but it is their responsibility to be aware of the black letter of the Bylaws.

⁵ I provided information in the form of an informal memorandum from my time assisting some LPNM members prior to my 2022-2024 term as LNC Secretary.

⁶ It is referred to as an "attempt" due to the fact that the alleged authority of the LPNM to have such a vote rested on a governing document amendment by the LPNM at a purportedly illegal convention. That is why their disaffiliation attempt was a "cause."

⁷ <https://thirdpartywatch.com/2025/05/16/full-text-of-weir-letter-to-lnc/> is just one example.

The full LPNH record of worsening conduct runs from 2021 through 2026.⁸ That history goes back even further than the LPNM situation, and far more forbearance was shown to LPNH. While the procedural issues with LPNM that later formed part of the stated cause for its disaffiliation began in December 2021, the LNC was not involved at that time to my recollection. The LNC first turned its attention to the matter after the 2022 national convention in May 2022, and action began to be taken nearly immediately thereafter—not the next day as here, but very soon.

Hagopian finishes this section with:

If the LNC wants New Mexico as its model, hold it to New Mexico's actual standard. Nine months of deliberation. Particularized findings of concrete governance violations. Written charges and a written answer. An affiliate that had already walked out. And a remedy aimed at protecting the Party rather than at correcting a state party's opinions.

There were not nine months of deliberation. This began to be handled by the LNC in July 2022, and LPNM was disaffiliated in September 2022. In fact, LPNM was disaffiliated just over two weeks after its final violative action. As Hagopian notes there was no recorded appetite for disaffiliation prior to that action. LPNH had actual meetings with the Party Chair and Communications Director. Their former Chair was on the LNC and occupied a privileged position of access and negotiation which he utterly disdained—an attitude the affiliate maintained even after it elected a new Chair. Disassociation from racist and violent “opinions” is protecting the Party. The last point is unquestionable, as that is the very purpose of the membership pledge: that we do not condone vigilante justice against politicians and the state.⁹

MISINTERPRETATION OF BYLAWS ART. 5, SEC. 2

Hagopian asserts that this provision **requires affiliation** of any particular organization that meets certain stated requirements. That is a potential interpretation, but it is not the only one, nor do I believe it is the correct one.

⁸ This is not to diminish the misconduct of former Chair Bishop-Henchman in attempting to install a substitute LPNH Board, and his wrongs against the LPNH Pelletier Board.

⁹https://lpedia.org/wiki/Document:Letter_20_Jan_1993_David_Nolan_on_Meaning_of_Membership_Pledge -- An affiliate’s advocacy of political violence is not just damaging to the Party; it is **dangerous** to each and every Party member.

My alternative interpretation is this: the LNC is required to affiliate state parties and it shall do so from organizations that meet these requirements. It does not mean the LNC must affiliate the first ostensibly qualified organization. The qualification list does not bind the LNC to any particular organization; it binds the LNC as to which organizations it may choose. The mandate to affiliate is an assertion from the Party purposes in Art. 2, and it is not something that can be neglected.

A principle of Bylaws interpretation is that a provision is to be interpreted so as to avoid absurdity when read with other provisions (RONR 12th ed. 56:68(2)). The same Bylaws Article also provides a process for disaffiliation. Under Hagopian's interpretation, an organization that has just been disaffiliated for cause could simply fulfill those qualifications on paper and the LNC would then be obligated to re-affiliate it. That result is untenable both as a matter of Bylaws interpretation and as a matter of non-profit governance. The non-absurd reading—the one that does not create an immediate end-run that effectively abrogates the right to disaffiliate—is the correct one.

DISAFFILIATION IS A MOTION TO RESCIND

I perhaps was not clear in my prior Amicus, having assumed background presumptions that others do not share. Disaffiliation is a motion to rescind. The fact that the Bylaws require a higher vote threshold does not change that character. Let me give an example. If the delegates wished to amend Bylaws Art. 3, sec. 1, there would be not only a higher vote threshold but, in practical effect, a higher quorum threshold as well. That does not mean the motion would cease to be a motion to amend something previously adopted. It would remain exactly that. The assembly has simply chosen to make the action more difficult than the basic provisions of the parliamentary authority. The same is true of public policy resolutions adopted by the LNC, which require a three-fourths vote (Bylaws Art. 7, sec. 11). That higher threshold does not transform those resolutions into something other than resolutions.

INCORRECT FRAMING OF THE LPCO TIMING

Colorado's correction arrived as quickly as it could without a wholesale repentance of its former leadership. I filed suit within a month of the endorsement and preserved the ballot line without an attorney and at great

personal risk. The membership then reformed the affiliation at the first organization opportunity.

The 2024 Colorado convention had already passed by the time of the July 2024 endorsement. The very next opportunity for the members to reassert control under the LPCO Bylaws was at the 2025 convention, and the timing of that event was entirely under the control of the former LPCO board, which failed spectacularly. It first attempted to set a convention for May 2025 but both failed to send notice to the members and saw the event cancelled by the venue. It then set one for June 2025 but failed to give the statutory notification required to allow for Board elections. The delegates met anyway (in remote rural town fourteen miles from the Nebraska state line) and passed a resolution condemning the Board's action with regard to the 2024 nomination.¹⁰ The Board then refused to recognize the adjourned convention set by the June delegates for August 2025 in order to elect a Board with proper statutory notification, and finally set a convention in October 2025 while suing all of the June delegates the week prior in an attempt to intimidate them (complete with process servers waiting outside their homes). The Colorado record is one of heroic efforts on the part of the members.

I know Hagopian meant no disrespect, but this was not a fair recounting of the events and the herculean efforts in Colorado. I also know it is difficult to appreciate the full breadth of that work from afar. I lived through it.

CONCLUSION TO RESPONSE TO HAGOPIAN

I thank Mr. Hagopian for his input. He is correct on the one power that the Judicial Committee has: it can only affirm the disaffiliation or reinstate the affiliation. I urge the former.

PREFACE TO RESPONSE TO BEN WEIR

Ben Weir was LPNH Chair during the period of time when the LPNH had every chance to reform and redeem itself and occupied a position of privilege on the

¹⁰ As noted in a previous filing, the legitimacy of that convention is disputed by the former LPCO Board. It was not in dispute with the delegates attending.

LNC. He squandered and scoffed at every opportunity. He openly advocated for the positions and conduct that put LPNH in the position it is in today.

THE HYPOCRISY

As I stated in Harlos I, the Bylaws prohibition is not against endorsing *Trump specifically* but a member of another political party in a partisan race. While still an alternate on the LNC, Weir became both a member of, and a candidate for, another political party in violation of his fiduciary duties. While he may claim opposition for the endorsement of Trump, about which he did nothing (unlike the LPCO members), he fully supported and advocated for the endorsement of members from other political parties in partisan races, again, in violation of his duties as an LNC alternate director.

He went even further. He not only advocated for the violation of the Bylaws while an LNC alternate director; he advocated for the disaffiliation of the Libertarian Party of Ohio if they opposed the candidate of another party (twice, with over ten months between):

[SEE IMAGE ON NEXT PAGE]

 **Ben Weir**  @Weir4Lib... · 24 Feb 25  
If the Libertarian Party of **Ohio** runs a competing gubernatorial candidate to **Vivek**, they should be disaffiliated.

I encourage as many libertarians as possible to get involved with **Vivek**'s campaign and help him push it past the finish line. 🔥

 **Vivek Ramaswamy**  @... · 24 Feb 25
I am honored to officially announce my candidacy to serve as the next Governor of Ohio.



 164  81  838  70K  

 **Ben Weir**  @Weir4Lib... · 08 Dec 25  
The Libertarian Party of **Ohio** should be disaffiliated for running against **Vivek**.

 **Libertarian Party**  @L... · 08 Dec 25  
Libertarian candidate Mike Mains is running for Governor of Ohio in 2026.

CONCLUSION TO RESPONSE TO BEN WEIR

Weir fully knew that endorsing a member of another party for partisan office was a disaffiliable offense. He and I spoke of it numerous times back when he supported my suit against LPCO. We spoke about it afterwards in the context of LPNH. As an LNC alternate director, he was aware of the Bylaws (though he often scoffed at them). He simply thought nothing would ever be done due to the dysfunction on the prior LNC during disgraced former Chair McArdle's term, and then in the wake of her resignation.

PREFACE TO RESPONSE TO HECTOR ROOS

This section is written to address the Amicus submitted by Hector Roos, though most assuredly not authored by him. I have seen the Tony DeFillipo mailer.¹¹ And as far as his claims that he did, I am aware of the contempt of congress proceeding and thus have a large shaker of salt.¹²

I pray for the intellectual digestive tracts of the Judicial Committee having to dine on such word salad delicacies as:

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.

What in the actual ChatGPT?

THE ARGUMENT FROM JC ILLEGITIMACY

Roos argues that the JC is illegitimate and then asks such a purportedly illegitimate JC to rule itself illegitimate, which, if it is, would be an illegitimate ruling. Make it make sense. But let's put some facts on the record.

At the 2026 national Libertarian Party convention, after one round of voting, only two candidates received a majority. Convention Chair Steven Nekhaila ruled *sua sponte* that, under the Party Rules, there would be only that one round of voting and the two persons elected would then appoint the remaining five members.

Paul Bracco raised a Point of Order challenging the absence of a second round of balloting; it was ruled not well-taken. Aaron Starr moved to suspend the rules to elect the next five top vote-getters. The motion failed. Nick Cieselski raised a more detailed Point of Order on the same issue as Bracco; it too was ruled not well-taken. Bracco attempted to appeal, and the Chair declined to entertain the appeal as dilatory.¹³

The convention body is the ultimate arbiter of its proceedings at the time, RONR (12th ed. 24:1). It did not overturn the ruling of the Chair. There is a process if

¹¹ <https://www.miamiherald.com/news/local/community/miami-dade/north-miami/article220306650.html>

¹² <https://www.congress.gov/committee-report/119th-congress/house-report/694/1>

¹³ See convention video, Sunday morning, May 29, 2026, beginning at 3:35 (<https://www.youtube.com/live/Yetxc4Ke4vs?si=chKyTovE3osdck35&t=215>) – I thank Mr. Jacobs (below) for correcting a prior statement of mine based upon a faulty memory.

the assembly believed that the Chair improperly refused to entertain an appeal, and that is to put the question from the floor, RONR (12th ed. 62:9). That was not done.

It would normally be a fair objection that the typical delegate might not know this procedure, but that objection does not hold here. Why? Bracco served on the Mises Caucus leadership team at the 2022 national convention which was familiar with the procedure, and according to a credible ear-witness, the Mises Caucus delegates were being advised remotely by a parliamentarian.

Thus, the convention, at which Roos was a delegate, took no action to correct the Chair's ruling that the two elected members of the Judicial Committee would appoint the remaining five. This is not an argument about whether the Chair's ruling was correct but simply that the convention had the power to overturn that ruling and did not attempt to do so.

Roos' interpretation that the elected members could not fill the five vacancies is not unreasonable. It is not, however, the only one.

In interpreting bylaws, the specific controls over the general, RONR (12th ed.) 56:68(3). Five members constitute a quorum of the Judicial Committee, Bylaws Article 8.1. Article 8.2 establishes the Committee's jurisdiction, and those matters clearly require a quorum. However, the last two sentences of Article 8.1 create an ambiguity.

Was the provision on filling vacancies intended to override the general quorum requirement of five members, so that if there are three vacancies the remaining four could fill them? That is how it was interpreted the last time such a situation occurred, as pointed out by Judicial Committee Chair Moellman in his analysis.¹⁴

As also pointed out by Moellman, that is not the only time it has been understood that way. The 2020 Bylaws Committee recommended adding the last sentence after the term of the Judicial Committee was extended from two to four years in 2018 and the convention adjourned without electing anyone to the Judicial

¹⁴ <https://thirdpartywatch.com/2026/07/07/ken-moellman-filling-judicial-committee-vacancies-after-a-convention-closes/>

Committee, which then left no check on the LNC until 2022. Here is their rationale from the published report:¹⁵

Rationale for Proposal 13-A:

The existing rule allows Judicial Committee vacancies to be filled by the remaining members of the Judicial Committee. If, however, all Judicial Committee positions are vacant, there are no remaining members to fill the vacancies. Under our parliamentary authority, the principles of interpretation applied to such a situation say that since the rule specifies a particular appointment process, it precludes any other process such as an intervening convention filling the vacancies. This addition will allow a convention to act when all positions are vacant for whatever reason.

RONR says that in the event of ambiguity a bylaw should be interpreted in light of its original intent as far as that intent can be ascertained, RONR (12th ed.) 56:68(1). Can that be ascertained? Yes it can. The sentence creating the power of the Judicial Committee to fill its own vacancies was added to the Bylaws in 2010, and the intent is recorded in the minutes:¹⁶

[SEE IMAGE ON NEXT PAGE]

¹⁵ https://lp.org/wp-content/uploads/2024/10/CONVENTION-MINUTES_2020_PART2-FINAL.pdf, p. 165

¹⁶ <https://lp.org/wp-content/uploads/2024/10/2010-National-Convention.pdf>, pp. 15-16

JUDICIAL COMMITTEE VACANCIES (RECOMMENDED 10-0)

Problem:

There is no mechanism for filling a vacancy on the Judicial Committee. If three members were to resign prior to the end of their terms, there would be no legal way for the committee to meet to hear a case.

Solution:

Allow the remaining members of the Judicial Committee to fill a vacancy until the next Regular Convention.

St. Louis, Missouri

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Libertarian Party National Convention 2010

ARTICLE 9: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party members elected at each Regular Convention, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next Regular Convention. [The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next Regular Convention.](#)

A delegate immediately called the question, which passed.

The Bylaws proposal passed.

Thus, there is evidence of institutional interpretation and intent which was to never leave the Judicial Committee definitionally unable to render decisions as long as there was at least one member remaining. This is consistent with the later addition that allowed an intervening convention to fill vacancies when there were literally no Judicial Committee members after the terms were changed from two to four years and the Party faced that exact situation.

We are left with two interpretations (only one of which has institutional support). One could leave the Judicial Committee vacant for four years if fewer than five members remained but at least one still served. The other would leave it vacant for a maximum of two years if fewer than five remained. The interpretation that

provides maximum protection for the membership is the latter. There is institutional memory and support for that reading, and none of the same for the former. As of this time, the decision of the 2026 delegates stands. I am not rendering a parliamentary opinion as that is not my role here. I am giving history and context.

If this Judicial Committee is not legitimate, that does not mean the LNC cannot take any action (the right to appeal is not limited to disaffiliations or LNC member removals). It simply means that the membership, removed LNC officers/at-large representatives, and disaffiliated state organizations would have no recourse under our Bylaws until 2030. Judicial Committee elections are not in order at presidential conventions unless there are no legitimate members, and everyone here agrees that there are at least two.¹⁷

Roos' argument amounts to the LNC being powerless to make a disaffiliation decision if the Judicial Committee falls below five members. In fact, his logic would amount to an inability to remove a violative officer, disqualify Vice-Presidential and Presidential nominations, or in fact make any decision at all that the membership objects to on the basis of the Bylaws. That is not reasonable or tenable in light of the express intention of delegates over fifteen years. Bylaws Art. 5.7 explicitly states that the LNC "The National Committee **shall have the power** to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee." This power is not conditional.

THE "AND MORE" ARGUMENT

Roos argues that the wording of the motion revoking the affiliation of the LPNH is deficient as it states two grounds for disaffiliation^{18 19} and concludes with "that

¹⁷ I decline to mine the subjunctive at this time about future Points of Order and alleged continuing breaches. That is outside my scope at this time.

¹⁸ I am not going to rehash the arguments against the second part being insufficient due to lack of specificity as those have already been addressed. I will supplement, however, by referring to Bylaws Art. 15.5 regarding disqualification of Presidential and/or Vice-Presidential candidates which notes "The resolution of suspension must state the specific reasons for suspension and must be signed by each member of the National Committee agreeing thereto." and contrast that with "A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation." One requires specific reasons be stated and the other requires only the nature be stated.

¹⁹ I am also going to use the terms "grounds" and "reasons" as shorthand for "stating the nature of the cause for revocation."

because of these reasons and more” that the nature was not fully stated due to the inclusion of “and more.”

Before rebuttal, I will concede from the onset that the LNC’s motion certainly had technical imperfections, but these do not translate to substantive failures.

Before discussing, it is necessary to reproduce the actual motion:

The bylaws are clear that affiliate Parties shall not endorse the candidate of another Party. Despite this, the Libertarian Party of New Hampshire openly and publicly endorsed President Trump during the election.

Furthermore, they have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions on a National level.

Be it Resolved that because of these reasons and more, the Libertarian National Committee moves to disaffiliate the Libertarian Party of New Hampshire, mandating that they cease and desist the use of the Party name and logo, until such a time as the LNC recognizes a new affiliate in New Hampshire that shares our Party’s foundational values.

This is a technically (but not substantively) malformed resolution (a specific form of motion, RONR (12th ed.) 10:13-22), but recognizing that fact assists greatly in understanding the insignificance of the “and more” in the issues before Judicial Committee. The reasons are in the “Whereas” clause(s) which appear *before* the “Resolved” clause which contains the action.²⁰

Despite the technical argument above that the “and more” is not part of the reasons supporting the resolved clause, this is straining at a rhetorical flourish. I agree that such flourishes do not belong in resolutions and was sloppy for the LNC to include, it is a common feature of the English language. That, however, does not invalidate the motion or call the vote threshold into question. The LNC

²⁰ The fact that this is a resolution renders inapplicable Roos’ RONR references on Division of a Question with the more appropriate reference being RONR (12th ed.) 10:19 but that defeats his assertions as the “and more” is not part of the preamble which are the “reasons for a motion’s adoption,” RONR (12th ed.) 10:16. The “whereas” clauses are not identified with that word, thus the resolution is malformed, but the structure is obvious.

fulfilled its requirement to list the nature of the cause (in fact it listed the natures of two causes) and its vote threshold requirement.

Even if the Judicial Committee does not consider “and more” to be a throw-away phrase, it is clear from the structure that it is not to be considered one of the reasons that would meet the bylaws requirement, thus it is set apart in the resolved clause. It would be the equivalent of saying, “we could list more, but we do not need to, these are sufficient.”

CONCLUSION TO RESPONSE TO HECTOR ROOS

Would you like me to make this response to Roos’s AI more [...] or [...]? LOL.

Passim.

PREFACE TO RESPONSE TO STEPHAN KINSELLA

I believe most of the issues raised have already been adequately addressed (either above or prior) and amount to refusing to recognize the real distinction between removal of an officer and what the Bylaws actually say. I do not particularly care for what the Bylaws actually say. I am a heretic, however, and do believe in equitable arguments, though I have yet to persuade a Judicial Committee of those arguments. But arguments in equity fail here. LPNH has been a consistent, open, and knowing bad actor. The affiliate is well aware of the actions which brought us to this place.

DIFFICULTY ARGUMENT

Kinsella argues that it is easier to disaffiliate than remove an officer. That is fantastically irrelevant, but I will address. Yes and no. The vote threshold is higher, so in that sense it is not. The more difficult threshold that was detailed in the *Phillies v. LNC* case was due to more stringent definitions of cause (and process) being placed in the Policy Manual which do not exist here. Additionally, it *should* be harder to remove an officer (and by the way, to disqualify a Presidential or Vice-Presidential nominee). Why? Those decisions were made at the immediately preceding convention by delegates who entrusted the LNC with the power to nullify their choice. That is a weighty responsibility indeed. Not only are affiliations not made at the immediately previous convention; they are not made at convention at all.

TRADEMARK ISSUE

This frankly has no place in a disaffiliation appeal as the only item before the Judicial Committee is whether or not the disaffiliation of the LPNH is affirmed or overruled. I do, however, have two points to add. The extant initial affiliation agreements from the 1970s all contain an agreement that the affiliation grants a right to use the Party name. It does not matter if someone holds that rights cannot be controlled to a name by default; the parties agreed. The parties further agreed when the clause regarding control over the party name was put into the Bylaws. This is further evidenced by acquiescence when the LNC received federal trademark recognition which has since become uncontested.²¹

All that being said, the Judicial Committee is only empowered to rule upon the Bylaws, said Bylaws which specifically stake a claim to the Party name.

CONCLUSION TO RESPONSE TO STEPHAN KINSELLA

There is nothing more to be said. I respect Kinsella and disagree here. I certainly think this is far more clear than fundraising money for an anti-Libertarian candidate which seems to me to be pretty clear in the Bylaws. We disagreed there. I am sure we will disagree again.

PREFACE TO RESPONSE TO JONATHAN JACOBS

As with the others, I will only respond to what I believe are new points or ones that I think justify expansion. The issues on notice and specification have been dealt with in depth in prior filings and more above, so will only be briefly touched upon here. I make all the same disclaimers as Mr. Jacobs, that I am writing in my capacity as a member. I do not presently represent any caucus as a parliamentarian. I have served several times as the in-person convention parliamentarian in the beautiful state of New Hampshire.

²¹ I note as well that the cardinal sin which the Lanham Act (the law covering trademark) is intended to protect is consumer confusion over source of goods and services. While a Libertarian might rightly say “buyer beware!” that simply is not the environment that the actual political consumer is in, in the actual world. It isn’t about, at least how the Party has pursued, a magical combination of letters; but about identity in a realm where source identity is paramount, political identity. I fully understand philosophical disagreements, and I respect them, but when, if, you don’t protect your political trademark and are powerless, another can come in and use the same provisions to stop you. The Democrats and Republicans do not have to worry about that as they are the ones in political power and have the advantage of size.

THE TRUMP ENDORSEMENT WAS VALID AT THE TIME OF THE DISAFFILIATION VOTE

Jacobs argues that the endorsement is moot since it was repudiated and therefore cannot be a cause for disaffiliation. That makes no sense. It was valid at the time of the determination. The Judicial Committee may certainly take that into consideration in equity, but as is said “he who comes into equity must have clean hands.” The LPNH does not have clean hands as detailed earlier in this filing and in others. Jacobs argues that the LNC does not either, but that just weighs against equitable considerations here.

SPECIFICITY

The Bylaws say that the ***nature*** of the offense must be specified. Specificity under the Bylaws was met. Jacobs turns to RONR for uses of specify but to not an analogous provision in the Bylaws; i.e., the disqualification of Vice-Presidential and Presidential nominations as noted earlier in this filing. The Bylaws were capable of requiring more and did not do so. The RONR section is inapplicable as it is concerning members and officers.

NEW MEXICO

I dealt with that issue in full earlier in this filing. I cannot speak for McGee but from my perspective, his statement in context was referring to the lack of “Dixon Committee” style elements. That is for him to say. There was further no appetite at all for disaffiliation during those proceeding months, and it is doubtful it would have happened but for the illegitimate disaffiliation attempt by LPNM. I certainly made clear that I did not intend to pursue that avenue. The situations are categorically different in the factual basis—the claims that the same process was followed should be read in the context of the claim that there should have been a “Dixon Committee” style inquest. Further, as detailed prior, the LPNH was on notice of the issues both through its requirement to know the national Bylaws and the prior meetings it had with prior LNC leadership and multiple internal and personal discussions.²²

²² I disagree with Jacobs that if the Jarvis Resolution was formally adopted as a model that it would not apply since disaffiliation is covered by the Bylaws. So is officer removal, and that did not stop, not should it have, the LNC from adopting additional requirements in the Policy Manual.

CARELESS ACCUSATION OF FALSENESS

Jacobs rightly notes that my memory was faulty on the appeal of a point of order (however the result is the same as detailed earlier in this filing), and I welcome that correction. However, Jacobs go on to make a careless accusation about me.

Ms. Harlos also stated, “Once the convention adjourned *sine die*, that was the decision of the delegates.” That is also false, as a matter of procedure. While RONR would not permit an outside body, internal to the society, without a specific bylaw authorization, the voting body may (46:50). Any breach of a continuing nature in the formation of the LPJC may be dealt with by the 2028 and 2030 conventions. Likewise, the actions of the now putative LPJC would be subject to a point of order.

Note carefully I only said that the adjournment *sine die* made the decision that of the delegates. That is absolutely true. I was silent about the future; therefore, it is impossible for me to have said something false about the future. That wasn’t part of my argument as it is irrelevant to the matter before the Judicial Committee. I stated the situation as it stands, and that statement is correct. If the LPNH wins its appeal, I believe the LNC will certainly honor that decision, and I have no reason to believe that the LPNH will challenge its legitimacy. If the LPNH loses, and then tries to argue that the Judicial Committee is illegitimate; it loses as the default then would be that the decision of the LNC is affirmed. Adding hypotheticals regarding some future convention was not at all in the context of my statement (and seems to me in no case would benefit the LPNH so of no issue here in this particular case with these particular facts), and my statement is correct for what it was stating: the current posture.

CONCLUSION TO RESPONSE TO JONATHAN JACOBS

He wrote it himself and did not use AI, which unfortunately is becoming rare in this Party. That is to be encouraged. How do I know? There were obvious typos and typing errors. My briefs also tend to have a few typos. Because I also write my own. Long live typos as proof of a human mind until AI co-opts those too.

Respectfully submitted,

Caryn Ann Harlos, Lifetime Member