

Filing cover & attestation

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

FILED BY

Jonathan McGee is a sustaining member through 12/31/2099.

ATTESTATION

This amicus brief was filed by Jonathan McGee on their own behalf, who is a sustaining member through 12/31/2099, 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 National Judicial Committee

**Petitioner: Libertarian Party of New Hampshire
(LPNH)**

vs

Respondent: Libertarian National Committee (LNC)

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

**Amicus Brief of Jonathan
McGee in Support of the
Libertarian National Committee**

Introduction

This brief serves two purposes. Part I recapitulates the arguments already presented across the original respondent brief as well as some of the supporting amicus briefs with particular emphasis on the previously conceded Article 5.4 endorsement violation which constituted the first charge of the disaffiliation motion. That said, some novel arguments are presented in Part I. Part II will develop the record further by focusing on violations of the second stated charge that “[LPNH] have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions on a National level.” Both charges stand as sufficient grounds for disaffiliation independently, and the Judicial Committee should have full record of both.

Part I: Summary of Arguments Already of Record

Primary Respondent Brief Arguments

As mentioned in the initial LNC respondent brief, in violation of Article 5.4 of the National Bylaws LPNH’s Executive Committee endorsed Donald Trump for President on November 4, 2024. An affiliate stands as a continuing organizational entity that is answerable for its own official acts. As previously established, later leadership changes do not absolve the entity of those actions much like a corporation remains bound by incurred debt or litigation regardless of board turnover. The May 25, 2026, disaffiliation vote (15-2-1) cleared both the three-fourths (3/4) threshold required by Article 5.6 of the National Bylaws and the lower notice threshold found in RONR. Disaffiliation is categorically different from removal of an officer. Procedurally the framework detailed in the National Bylaws and the LNC Policy Manual concerning officer removal, that is the RONR §63 trial framework relied upon in *Phillies v. LNC* (2024), is non-transferable to the self-contained disaffiliation procedure in Article 5.6 of the National Bylaws.

The Federal Impeachment Argument From The Perry Amicus

As mentioned in the Perry Amicus, the process of disaffiliation is more akin to the political process of federal impeachment. To briefly expound upon the argument put forth by Mr. Perry, the LNC acts as the U.S. House of Representatives does in a federal impeachment context. Then the Judicial Committee acts as the U.S. Senate in the same context. No formal notice is issued to the accused prior to federal impeachment. To the contrary, the U.S. Constitution does not require prior notice to the accused before the House votes on articles of impeachment or the Senate convicts; these are political proceedings governed by legislative rules rather than criminal procedural standards. If

anything, the procedure provided for in Article 5.6 of the National Bylaws has a more robust threshold requiring a three-fourths (3/4) vote as opposed to a majority.

The LNC Precedent Argument

As mentioned in both the initial LNC respondent brief and the Harlos (II) amicus, the 2021 Dixon Committee was charged only with recommending a model "not covered by" existing governance, and its report was never adopted into the National Bylaws or LNC Policy Manual. Per the Harlos (II) amicus, the September 4, 2021, LNC floor motion that accepted the Dixon Committee's report as final did not formally incorporate the recommendations into any governing document. [Harlos (II), Exhibit B] Furthermore, the most recent previous action taken by the LNC to disaffiliate an affiliate party, that being the 2022 disaffiliation of the Libertarian Party of New Mexico (LPNM), conformed to the bare wording of Article 5.6 of the National Bylaws in a manner similar to the one suggested in the Perry amicus and followed by the current LNC in the LPNH matter. On September 11, 2022, barely more than a year after the Dixon Committee report was accepted, the LNC elected to ignore its recommendations entirely to disaffiliate LPNM. [LNC Respondent Brief, Exhibit B] These easily verifiable facts foreclose any claim that the LNC or its affiliates reasonably relied on the Dixon model as binding.

Case Law Arguments

The fact that the Dixon Committee recommendations were never incorporated into any of the LNC's governing documents quashes every case law example brought forth thus far by the petitioner as well as most of those put forth in the brief submitted by Mr. Austin Martin. First, in *Polin v. Kaplan*, 257 N.Y. 277, 281 (1931) (Cardozo, J.) the opinion of Cardozo emphasizes following an association's actual governing text (in this case the National Bylaws and LNC Policy Manual) against arbitrary deviation (i.e. the Dixon Committee recommendations). *Campbell v. Loew's, Inc.*, 36 Del. Ch. 563 (Del. Ch. 1957) is irrelevant for the same reason *Phillies v. LNC* (2024) is, namely they both deal with removal from office, not disaffiliation. Mr. Martin's citations of *Taboada v. Sociedad Espanola*, 191 Cal. 187 (1923) and *Hackethal v. California Medical Association*, 138 Cal. App. 3d 435 (1982) similarly miss the mark because they only require an organization to honor the right to a hearing under an association's bylaws which is precisely what the LNC has done in accordance with Article 5.6 of the National Bylaws with regard to this Judicial Committee appeal. Mr. Martin cites *Pinsker v. Pacific Coast Society of Orthodontists*, 12 Cal. 3d 541 (1974) but *Pinsker's* standard ("substantive rationality and procedural fairness"), even if applicable, is independently satisfied by the documented record in Part II. Finally, Mr. Martin's cites *Hoffman v. Red Owl Stores*, 26 Wis. 2d 683 (1965), and Restatement (Second) of Contracts § 90 in the

context of promissory estoppel. The fundamental problem with this theory is that neither the National Bylaws nor the LNC Policy Manual promise a hearing, investigatory committee, or adherence to the Dixon Committee recommendations prior to the disaffiliation of an affiliate. Where there is no promise, there can be no promissory estoppel. Period.

Part II: The Second Charge is Independently Supported and Sufficient

Overview of The Second Charge

The second clause of Article 5.4 of the National Bylaws requires that “no affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.” The second charge that “[LPNH] have crudely and repeatedly undermined our own candidates, and have espoused numerous anti-libertarian positions on a National level.” is predicated on that clause. The record, developed substantially through this appeal's own amicus process, supports it on three independent bases: undermining of the Party's own nominees, direct contradiction of the Statement of Principles' foundational commitment to non-aggression, and conduct that has caused documented reputational and financial harm to the Party and its other affiliates.

LPNH Has Directly and Publicly Attacked the Party's Own Nominee

Article 2.4 of the Bylaws requires the Party to “[support the] Party and affiliate party candidates for political office.” On July 15, 2025, LPNH's official account posted, regarding the Libertarian Party's 2024 presidential nominee: “It is perfectly reasonable to respect a charismatic soccer star but not respect an effeminate lying faggot, even if they have the same policies.” [See lpthfiles.com; Harlos (II), Exhibit E] This is not mere criticism of a candidate's positions, to which every member is so entitled. It is a personal attack on the Party's own nominee, issued by the affiliate's official communications channel. An affiliate cannot simultaneously claim the benefit of the Libertarian Party's name and brand while its official account publicly degrades the Party's very own nominee. This conduct by itself satisfies the “undermined our own candidates” clause of the second charge.

LPNH's Advocacy of Political Violence Directly Contradicts the Statement of Principles

At the very core of libertarian philosophy is the opposition to the initiation of force to achieve political goals. The Statement of Principles states that the Party “support[s] the prohibition of the initiation of physical force against others.” The LPNH official account

has repeatedly published statements that are inconsistent with that clause of the Statement of Principles. A few examples include:

- Regarding a New Hampshire executive councilor who supported an income tax: "Yes. It is morally legitimate to kill any politician who poses a credible threat of introducing an income tax for New Hampshire." [lpthfiles.com, March 4, 2026 postings; Harlos (II), Exhibit C]
- Regarding a sitting New Hampshire state representative: "Reminder that absolutely anything done to David Meuse is morally permissible. He is as evil as a rapist or murderer, and deserves the same treatment," and that he "deserve[s] to be threatened every day that [he] live[s] until [he] leave[s] New Hampshire or die[s]." [lpthfiles.com, May 22, 2026, and April 2, 2026, postings; Harlos (II), Exhibit C]
- Regarding the sitting President of the United States: "If killing Trump would somehow result in a libertarian country it would obviously be morally legitimate." [lpthfiles.com, April 26, 2026, postings; Harlos (II), Exhibit C]

These are not isolated lapses in judgement; this is the status quo regarding LPNH official communications. An affiliate whose official messaging repeatedly calls for the killing of named officeholders over tax policy has not merely used poor judgment in style; it has taken official action inconsistent with the Statement of Principles.

LPNH's Statements on Race and National Origin Have Caused Documented Reputational and Financial Harm

Violence-advocacy aside, LPNH's official account has repeatedly issued statements that stand in direct opposition to the Party's stated commitment to equal individual rights, including commentary characterizing the forced displacement of Native Americans approvingly, and the defended use of racial slurs. Upon being confronted that this messaging had cost the Libertarian Party of North Carolina a \$40,000 donation, the LPNH account responded that it would "continue to refuse to tell lies" and repeated further statements denigrating certain races. [lpthfiles.com; Harlos (II), Exhibit C] This is direct evidence, not speculation, that the conduct of LPNH has caused quantifiable financial harm to another affiliate and that upon notification the conduct continued despite it.

This Conduct Was Neither Isolated Nor Unaddressed Before the Disaffiliation Vote

Individual LPNH posts should not be considered in isolation, but as a whole. There is a documented escalation apart from the Trump endorsement. In May 2025 LPNH entered a voluntary agreement in which LPNH itself proposed rules against “aggressive language, slurs, or insults” towards Party members, and in mere weeks violated that agreement. [Harlos (II), Exhibit D] In September 2025 the LNC formally censured LPNH. In spite of this LPNH persisted in substantially the same conduct up to, and after the disaffiliation vote. Whatever process might be owed for a single, isolated statement, LPNH was given specific notice of the conduct at issue, an opportunity to self-correct that it had itself proposed, and a formal warning, all of which preceded the vote to disaffiliate. The statements cited in this brief only scratch the surface of LPNH’s inappropriate communications. For more examples one need only visit lpnhfiles.com.

This Conduct Independently Satisfies “For Cause”

Whatever standard the Committee applies to the term "for cause" in Article 5.6, whether drawn from RONR's default vocabulary of conduct "tending to injure the good name of the organization" or "hamper it in its work," or even from the Dixon Committee's own recommended standard of social media conduct that damages "recruitment of candidates," "donors," or "votes for Libertarian candidates", the record here satisfies it on either formulation independently of the November 2024 endorsement. An affiliate whose official public messaging personally degrades the Party's own presidential nominee, espouses as morally legitimate the killing of named public officials, and has demonstrably cost another affiliate a specific, quantified donation, has engaged in conduct injurious to the Party's good name and harmful to its work by any available measure.

Conclusion

The Judicial Committee does not need to choose between the first and second charges in the LPNH disaffiliation motion as both are independently sufficient. When properly understood not as a vague appeal to “general impressions” but as a documented escalating pattern of conduct in direct opposition to the Statement of Principles, personally attacking the Party’s own nominee, and detrimental to the wellbeing of other affiliates, the second charge stands on its own. Thank you for your continued attention to this matter.

Respectfully submitted,

Jonathan McGee