

Filing cover & attestation

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

FILED BY

Norman Kinsella is a lifetime member of the Party.

ATTESTATION

This amicus brief was filed by Norman Kinsella 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.

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

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

Appellant/Petitioner: Libertarian Party of New Hampshire

Respondent: Libertarian National Committee

Filed: July 2, 2026

Informal: LPNH vs. LNC

BRIEF OF AMICUS CURIAE STEPHAN KINSELLA IN SUPPORT OF PETITIONER

Dated: August 5, 2026

I. Identity and Interest of Amicus

Amicus [Stephan Kinsella](#) is a retired attorney licensed before the Texas, Louisiana, and Pennsylvania bars (all inactive status), and before the US Patent & Trademark Office. Previously General Counsel for Applied Optoelectronics, Inc. and partner with Duane Morris, LLP, he is a long-time libertarian writer and legal scholar, having spoken, lectured and published widely on legal topics, including intellectual property law and international law, as well as on many areas of libertarian legal theory. His libertarian publications include *[Legal Foundations of a Free Society](#)* (2023), *[The Universal Principles of Liberty](#)* (2025), and *[Against Intellectual Property](#)* (2008). He was the principal author of the additions to the [LP Platform](#) Plank 2.1 adopted in by the LP in Reno in 2022.

Amicus served as a member of this Judicial Committee for the 2022–2026 term. He is a lifetime member of the Libertarian Party (LP) (since 2022) and submits this brief in his personal capacity.

Amicus has no position in the Libertarian Party of New Hampshire (LPNH) and no personal stake in its internal affairs.

II. Argument

A. Disaffiliation

a. Specification of Particulars

The LP, via the Libertarian National Committee (LNC), has power to disaffiliate a state affiliate:

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. **A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation.** The affiliate party **may challenge the revocation** of its status by **written appeal to the Judicial Committee** within 30 days of receipt of notice of such revocation. ... The Judicial Committee shall either affirm the National Committee's

revocation of affiliate party status or order reinstatement of the affiliate party.
[Bylaws (Article 5, Section 6)]

In specifying the nature of the cause for revocation, it is submitted that LNC must identify the specific act alleged as the reason or cause for the disaffiliation with minimal particulars so that the affiliate can understand what conduct is being charged and prepare a defense, and so that the Judicial Committee (JC) has a concrete, reviewable record of the grounds on which the 3/4 vote was taken. This was not done here.

The LNC moved to disaffiliate LPNH May 25, 2026, and voted in favor 15-2-1. The LNC's motion stated: "the Libertarian Party of New Hampshire **openly and publicly endorsed President Trump during the election.**", in violation of Bylaws Article 5.4, and "**because of these reasons and more,** the Libertarian National Committee moves to disaffiliate the Libertarian Party of New Hampshire." The motion did not specify how LPNH "publicly endorsed President Trump during the election", who stated this, when this was done, what language was used, or what publication or means was used. The language in the motion is vague and nonspecific.

This is in effect conceded by the movers. LNC member Alfa Shaw moved to amend the motion to require investigation first, saying "If we're going to do something as large as disaffiliating one state, I would like to produce a report [enumerating specific violations]." LPNH Petition for Appeal (July 2, 2026), ¶22. This motion to amend was rejected. One of the LNC members in favor of the motion and speaking against Shaw's rejected amendment stated:

I may not have a list of particulars this happened in such and such a time, this [sic] ready to go, but **we all know what's been going on up there, big picture**, for a long time. Disaffiliation is badly overdue... I will vote against this amendment. I will vote to disaffiliate the LPNH. It's that simple.

LPNH Petition for Appeal (July 2, 2026), ¶23, obviously stated by one of the 15 LNC members who voted in favor of the 15-2-1 motion to disaffiliate (as Alfa Shaw and Susan Hogarth voted no and Austin Martin abstained).

This reads like an "I know it when I see it" or "trust me, we all know" type statement. It essentially concedes that the motion did not have sufficient specificity, that it does not provide minimum particulars so as to specify the nature of the cause for revocation. It was hasty, a rush job. Suppose a motion to disaffiliate stated "just because" or "because the affiliate violated the bylaws." Would the JC be expected to affirm the revocation? Obviously not. The Bylaws clearly contemplate the JC reviewing the "specify the nature of the cause for revocation" and then, based on this cause provided in the motion itself, deciding whether to affirm the revocation, or to reject it and order reinstatement. If the LNC need provide no specified cause then the entire procedure calling for JC review makes no sense. The Bylaws presuppose meaningful review of the motion for disaffiliation and this requires enough information to consider an appeal thereof.

Without particulars (who, when, what specific acts, which bylaw provisions were violated), the "cause" is impossible for the affiliate to answer and defend against and for the JC to review meaningfully. Thus, the specification requirement is not ornamental—it *defines* the charge or basis for the disaffiliation. The LNC's attempt to disaffiliate is void *ab initio* if exercised outside those conditions. See, e.g., *Wagner v. LNC* (2011), where the JC treated improper handling of affiliate recognition/disaffiliation power as beyond authority or *ultra vires* and therefore without effect.

This is the case even if the LNC later articulates a rationale for its earlier disaffiliation motion. For example, the later-filed LNC Respondent Brief, in the Factual Background section, pdf p. 2, asserts: “On November 4, 2024, the LPNH Executive Committee held a meeting at which they endorsed Donald Trump for President.” This statement still arguably fails to provide specific facts: No evidence is provided, no language quoted. But even if this specified rationale were particular enough, it was not articulated as part of the motion at the time it was argued and voted on. The motion was inadequate *ab initio* and cannot be cured later—in the Respondent’s brief or in argument provided orally at a JC appeal hearing. It is too late. The LNC’s Motion of May 25, 2026 was insufficient to disaffiliate.

b. *Phillies* and *Harlos* Cases

The proposition that the LNC must identify the specific act alleged as the reason or cause for the disaffiliation with minimal particulars is also supported by analogy to procedures for discipline of members or officers. Robert’s Rules of Order clearly distinguishes between a *charge* (the general category of offense) and *specifications* (the particular acts alleged to constitute that offense) in a disciplinary proceeding. See RONR (12th ed.) 63:24–25. Analogously, the Bylaws’ requirement that a revocation motion “must specify the nature of the cause for revocation” is most naturally read as requiring at least the level of particularity that RONR demands of specifications.

Two previous cases should be mentioned here in this connection. Amicus participated and joined the majority in [In re: Judicial Committee Appeal to Void LNC Decisions of October 6, 2024](#) (*Phillies vs. LNC*) and also joined the majority in [In re: Suspension of LNC Secretary Caryn Ann Harlos \(2024\)](#) (*Harlos vs. LNC*). These decisions established the charge-particularity standard and voided LNC action for omitting it. Their reasoning also supports requiring that a motion for disaffiliation specify the nature of the cause for revocation with sufficient minimum particulars.

In *Phillies vs. LNC*, this Committee held that a for-cause removal requires charges to be preferred, notice given, and a trial held before the sanction; *Harlos* applied that framework and ordered reinstatement. These decisions implement the default disciplinary framework of the Party’s adopted parliamentary authority—RONR (12th ed.) 63:7, quoted and applied by the *Phillies* majority, slip op. at 5—which governs precisely where the Bylaws impose a for-cause condition without detailing its procedure.

The LNC’s respondent brief argues *Phillies* is inapposite because officer discipline is not the same as affiliate revocation. The LNC is in effect arguing that it should be easier to disaffiliate than to discipline officers. It states:

However, this again conflates the disciplinary process for an individual board member found in RONR § 63 with the process for disaffiliation outlined in Article 5.6 of the National Bylaws. Nowhere in RONR § 63 is there a mention of discipline of an entity or affiliate. The LNC’s ability to remove an LNC member is constrained by Articles 6.7, 7.5, and 7.8 of the National Bylaws, Policy Manual Section 1.01.4, and RONR § 63 because such an action effectively overrules the will of the delegates that elected a particular member. **Disaffiliation is merely a decision to rescind a previous decision** of the LNC, which in this case would be the decision to create a New Hampshire affiliate in the first place. [LNC Respondent Brief, Pdf page 4.]

Officer disciplinary procedures for individual officers are of course different from disaffiliation of entire state affiliates. But this does not mean the manner of resolution of these cases is not relevant to interpreting the Bylaws provisions on disaffiliation. If anything, the LNC's distinction runs the wrong way. It could be argued that the "greater" sanction demands at least the lesser's protections. If the suspension of a single officer required written charges, more than thirty days' notice, and a formal trial—process the LNC itself recounted providing, in its own Harlos respondent brief (LNC Resp. Br., *Harlos v. LNC*, at 6)—then the extinction of the affiliate status of an entire state affiliate, the associational home of every Party member in that state, *a fortiori* cannot lawfully require less process than the suspension of one officer.

Nor is the framework an inference from the LNC's conduct alone: its own *Phillies* respondent brief stipulates that "the disciplinary process for the Party is the procedure outlined in RONR 63." LNC Resp. Br., *Phillies v. LNC*, at 3. The LNC's briefs are Party admissions of what process it understands a for-cause condition to entail.

In any case, the Bylaws *do clearly specify that*: "A motion to revoke the status of an affiliate party for cause **must specify the nature of the cause for revocation.**" Since such a decision to disaffiliate *may be appealed*, obviously the cause *must be specified with sufficient particularity* and details so that the affiliate can understand what conduct is being charged and prepare a defense—and also so that the JC has a reviewable record which it can use to determine whether to "affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party." As pointed out in Part II.A.a above, the JC is not able to make an informed decision about the motion to disaffiliate if it is not clear what "the nature of the cause for revocation" was at the time the motion was adopted.

The fact that discipline is different from disaffiliation does not mean that provisions of the Bylaws are inapposite. In fact, in order to determine the original meaning of provisions of the Bylaws as approved by the delegates when adopted, they must be read intratextually to inform construction thereof. See Akhil Reed Amar, "[Intratextualism](#)," *Harvard Law Review* 112, no. 4 (Feb. 1999): 747–827, 748 ("In deploying this technique, the interpreter tries to read a contested word or phrase that appears in the Constitution in light of another passage in the Constitution featuring the same (or a very similar) word or phrase.").

The foregoing reasoning provides further support for the conclusion that the LNC's Motion of May 25, 2026 was insufficient to disaffiliate.

The LNC resolution should be declared null for the foregoing reasons.

B. Trademark Aggression

I make this additional observation related to this case because the LNC's motion was to disaffiliate LPNH and also to "mandate that it cease and desist using its name and logo". See LPNH Petition for Appeal, ¶20; New Hampshire Disaffiliation 2026, LPedia, https://lpedia.org/wiki/New_Hampshire_Disaffiliation_2026. The Notice of Revocation of Status of Libertarian Party of New Hampshire As An Affiliate of the Libertarian Party sent by the LNC to LPNH on June 4, 2026 quoted the motion as stating, in part:

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.

A disaffiliated organization has no relationship with the LP and thus the LP can only “mandate” this by resorting to state force. This and subsequent threats to use state-backed aggressive force against innocent individuals and groups (whether LP affiliates or not) are based on unjust state intellectual property (namely: trademark) laws and are contrary to LP principles. To-wit, LP Platform 2.1 provides, in pertinent part:

Aggression is the use, trespass against, or invasion of the borders of another person's owned resource (property) without the owner's consent; or the threat thereof. We oppose all acts of aggression as illegitimate and unjust, whether committed by private actors or the state.

Each person is the presumptive owner of his or her own body (self-ownership), which right may be forfeited only as a consequence of committing an act of aggression. Property rights in external, scarce resources are determined in accordance with the principles of original appropriation or homesteading (whereby a person becomes an owner of an unowned resource by first use and transformation), contract (whereby the owner consensually transfers ownership to another person), and rectification (whereby an owner's property rights in certain resources are transferred to a victim of the owner's tort, trespass, or aggression to compensate the victim).

As I have explained in many publications for over thirty years,¹ the use of a term or words or patterns of information, like “Libertarian Party,” does not commit aggression against or use the owned resources of the trademark holder (such as the Libertarian Party) nor breach any contract with or commit any fraud against the trademark holder. It is thus aggression to *use* state-backed force to against someone using such words. The LNC itself is violating the LP's own principles as articulated in the LP Platform. The LNC's attempt to disaffiliate LPNH should be rejected because of its failings as noted above, and the JC should keep in mind that the LNC's hasty attempt to disaffiliate has also led them to violate fundamental libertarian principles in attempting to enforce the disaffiliation. This is in addition to other attempts by the LNC to engage in unlibertarian trademark bullying of other victims such as the Libertarian Party of New Mexico.² Amicus recommends the JC consider not only reinstating LPNH but urging the LNC not to engage in unlibertarian trademark bullying and aggression against any current or former state affiliates or others as part of any disaffiliation efforts or otherwise.

¹ Including Stephan Kinsella, “[Aggression and Property Rights Plank in the Libertarian Party Platform](#),” *StephanKinsella.com* (May 30, 2022); *idem*, “[The Problem with Intellectual Property](#),” Papinian Press Occasional Paper, No. 2 (May 15, 2025, [www.c4sif.org](#)); and *idem*, [The Universal Principles of Liberty](#) (Aug. 14, 2025, [www.stephankinsella.com/principles](#)) a more elaborate version of the principles in LP Platform Plank 2.1).

² For more on this see Stephan Kinsella, “[Libertarian Party Trademark Assertions and Enforcement](#),” *C4SIF.org* (Oct. 2, 2025, [www.c4sif.org](#)).

III. Conclusion

Amicus urges the Judicial Committee to declare the LNC's May 25, 2026 revocation and motion and its consequences null and void.

Respectfully submitted,
Stephan Kinsella
Lifetime Member, Libertarian Party
Member, LP Judicial Committee, 2022–2026