CAMPBELL V. LIBERTARIAN NATIONAL COMMITTEE

In re: To Declare Null and Void Certain Actions of The Libertarian National Committee for Failure of Notice and For Imposing Disciplinary Sanctions Without Authority or Due Process

SUPPLEMENTAL AMICUS OF CARYN ANN HARLOS

IN SUPPORT OF THE LNC

Date: April XX, 2026

I waited to file this amicus until the matter was fully briefed by the parties to avoid needless repetition.

I. The Doctrine of Res Judicata Bars This Successive Appeal

The Petitioner's (or Campbell) filing is not a fresh controversy regarding Libertarian National Committee (LNC) action requiring Judicial Committee (JC) intervention. It is the third appeal of the same underlying dispute over the Special Investigatory Committee (SIC) report and the LNC's resolutions expressing its opinions about former Chair Angela McArdle (McArdle). Allowing yet another appeal to proceed on the same subject matter under reframed theories would violate basic principles of finality that the Party's internal judicial process must respect.

To be clear, the sequence is not obscure. The original June 9, 2025 LNC special meeting adopted the SIC report and certain appurtenant resolutions. When points of order (and a later appeal) were raised about notice, LNC Chair Steven Nekhaila (Nekhaila) promptly declared the resolutions null and void[1] and

[1] It is important to note that Nekhaila explicitly said that he personally did not believe that the notice for the resolutions was invalid but wanted to insure finality and confidence in the decisions. See https://groups.google.com/g/lnc-public/c/rjnFVPnGS-w ("I am not conceding the merits of the motions, I am just trying to be prudent. Ruling this matter well taken will give us an opportunity to edify the record so that there is no reasonable misunderstanding of the LNC's position on these matters."). These re-votes passed 10-5 and 10-3. See https://docs.google.com/spreadsheets/d/17RtkBvhOhh1FIaAXAmFBTF090ZXCf6sTVj7DytjAP90/edit?gid=1746328913#gid=1746328913 and https://docs.google.com/spreadsheets/d/17RtkBvhOhh1FIaAXAmFBTF090ZXCf6sTVj7DytjAP90/edit?gid=1363067827#gid=1363067827

scheduled a new special meeting for August 24, 2025, to consider them afresh. At that meeting the LNC re-adopted substantially similar resolutions appurtenant to the SIC report (correcting language that some claimed was binding to make it clear that the resolutions were merely the opinion of the LNC) after providing the full text in the call: “Be it further resolved, that the Libertarian National Committee expresses its opinion that Angela McArdle's conduct, as detailed in the Special Investigatory Committee report, reflects behavior inconsistent with the standards expected of those serving in leadership roles of the Libertarian Party or as a candidate representing it.”

That sequence of events was the basis for the joint dismissal request in Jacobs v. LNC, in which both the petitioner and the LNC explicitly stated: “We feel that the matters raised in this appeal have been resolved.” The notice matter was closed.

The subsequent Roos appeal unsuccessfully attempted to have the SIC report overturned on the basis of the substance of the report. This JC has already been more than charitable, allowing separate appeals on procedure and then on substance. Campbell returns, hat in hand, attempting to relitigate both procedure and substance.

Campbell was a sustaining member throughout this entire period. He had every opportunity to join the Jacobs or Roos appeals, to file his own concurrent appeal at those times, or to move for consolidation so that any additional arguments he wished to raise could be heard at once. He did none of those things. Instead, he waited until March 2026, more than six months after even the second appeal and barely two months before a National Convention, to file a new petition that recycles the identical factual record but presents yet another theory. No newly discovered facts that could not have been known before have been presented; only new (or recycled) theories about the same events. These theories were already discussed in filings during the Roos appeal, and Campbell could have acted swiftly to ensure they were made part of the case-in-chief by supplication to the JC.

This is precisely the kind of claim-splitting that courts prevent through the doctrine of res judicata (claim preclusion). When a party has a full and fair opportunity to litigate a matter arising out of the same transaction or occurrence, that party must bring all available arguments at once. Successive suits on the same facts, even under different legal labels, are barred. The JC is not a formal judicial or quasi-judicial court of law, but the same practical and equitable considerations apply with even greater force in a voluntary association. The JC’s resources, the LNC’s time, and the membership’s attention and stamina are finite. Allowing endless re-filings whenever a new theory occurs to someone

undermines the certainty that governing bodies and members need in order to function.

It is my belief that Campbell not only was aware of the prior appeals but in fact signed on to them. While I cannot know this for certain, the JC can check, and if he did, he cannot now claim fear of retaliation as a justification for secrecy. However, even if he did not, his awareness does not depend on an express signature. Campbell is an active, informed sustaining member who, by all public indications, has been closely aligned with the Mises Caucus of which McArdle is Chair. As a responsible Party member, and certainly as one who holds himself out as qualified to file national-level appeals, he is charged with knowledge of major LNC actions, points of order, corrective meetings, and the resulting joint dismissal and denial of related appeals. Ignorance is not a defense when the information was publicly available and distributed.

The contrast with other recent JC matters is instructive. In the D'Orazio appeal concerning the Joint Fundraising Agreement with Kennedy, he was permitted to re-appeal this Agreement only because material circumstances had genuinely changed after the original decision in my lost appeal on the same subject. Genuinely new facts, not new legal theories about the same facts, justified revisiting the matter. Here, there are no changed circumstances. The LNC corrected the notice deficiency in August 2025, the parties agreed the matter was resolved, and nothing of substance has occurred since. Campbell simply chose to sit on whatever additional arguments he now wishes to advance. That choice has consequences. Finality demands that he live with it.

The implications of ignoring this are serious. If the JC entertains successive appeals that repackage the same grievance under ever-evolving labels to the same body,[2] the LNC and membership will never be able to close a controversial matter. Every resolution that criticizes a former officer, every investigative report that makes negative findings, and every corrective action taken in good faith will remain perpetually open to attack. The Petitioner's approach would turn the JC from an appellate body into a perpetual motion machine for procedural cat fights. Campbell had his chance. He must not be permitted to manufacture another one.

II. There was no Violation of Notice

[2] The 2021 decision of the JC in my appeal was not overturned by relitigating to the JC, but by decision of a superior body: the delegates assembled in convention, and only because it alleged an ongoing breach of the bylaws which would not exist here.

The Petitioner is fundamentally wrong in his assertions about notice. This was addressed competently in the LNC's Reply Brief, but I have two things to note.

Notice was an issue raised in a prior appeal by a highly qualified parliamentarian, Jonathan Jacobs. All parties agreed any notice issues were cured. Importantly, Jacobs only challenged the resolutions. He did not challenge the adoption of the SIC report itself. If adoption of the report violated notice, it must have been raised then, and if it did, he would have. He did not. The report adoption was effectively conceded.

Further, Policy Manual 1.02.1 only requires previous notice with the text of items to be considered for *original main motions*. The adoption of a committee report is an *incidental main motion*, not an original main motion. The Petitioner's argument that the report did not exist at the time notice of the meeting was given is irrelevant. That is not the same as previous notice. The policy manual (1.02.7) and RONR (9:13) simply require the subject matter to be known, consideration of the contents of the report. The purpose of the committee was known and the requirement that the subject be the consideration of its findings was properly noticed. This was addressed in full by the LNC, and I will not repeat that here.

What was not mentioned by the LNC but is relevant is that there was an attempt to rescind the adoption of the SIC report which failed due to a 10-0 Objection to Consideration of the Question. There can be no argument that the full contents of the report were unknown at that time.[3]

This entire notice argument is a red herring. Committee reports are not usually adopted at all as they are considered received when they are included on the order of business (RONR 51:15). In fact, RONR does not recommend it, though it can be done (RONR 51:23) particularly when it is to be published as it was here. What actually counts are the resolutions. The validity of the notice requirements for the passage of the resolutions was already cured in the Jacobs appeal. The resolutions say what they say completely independent of the report which never had to be adopted. The LNC could have, and perhaps should have, simply heard the report of the committee on the agenda, and adopted the resolutions on their own. That would have been a judgment call, not a parliamentary error, and certainly not an issue for the JC. There is no doubt that the report was validly received at the June 9, 2025 meeting.

III. A Discussion of RONR and Discipline

[3] https://docs.google.com/spreadsheets/d/1Jv-ngfJWoOleghop4APCPyCMeVuBex0NpEMxm_XjsYI/edit?gid=246168516#gid=246168516

Discipline of officers[4] and members rests with the assembly (which in context means the Party by and through its delegates assembled in convention) unless the Bylaws or the assembly grant that authority to another body (see generally §§61 and 62 where "assembly" there means the assembly of the members, not any Board). The Bylaws only explicitly grant disciplinary power over LNC officers and at-large members to the LNC itself (Bylaws Arts. 6:7 and 7:5). But for the existence of those Bylaws provisions, the LNC could not discipline its own members. No such provision exists for discipline of Party members. The LNC categorically does not have that authority. Therefore, any citation of the disciplinary provisions concerning LNC members is by definition inapplicable. The LNC did not fail to do what it cannot do. However, it can investigate matters and issue an opinion. The Petitioner cites the provision on the right of a member to not have "against his good name" except by charges but such statement must be read in context. Firstly, it is inapplicable as that is in the context of **discipline** which the LNC has no authority to do, and secondly, even in RONR that is not an absolute statement since, depending on the wording of terms of office (see RONR 62:16), an assembly can in fact remove an officer, even with cause if it chooses, without a trial. Most importantly, RONR explicitly permits a non-disciplinary censure (RONR 61:2n1) which is explicitly what occurred here: "It is also possible to adopt a motion of censure without formal disciplinary procedures."

The delegates in convention can amend the Bylaws to require more process than that, but there is nothing is RONR or the Bylaws, even by squinting, that requires it. And though this is a counterfactual, I can speak for myself as an LNC member, if McArdle demanded a voluntary hearing, I would have zealously advocated for one. She would not have had the right to one, but I would have urged the LNC to do so. She did not. Instead she refused an interview by the SIC and instead released the oddly named "PR Fact Sheet" to her supporters. She may have thought she had no chance at a fair shake. I know that feeling well (ironically at her hands) but defended myself anyway.

On this subject of the non-disciplinary censure the aforementioned Jacobs is once again illustrative. First, in his prior appeal, he argued that one of the previously passed (and subsequently voided resolutions) was disciplinary because it "deemed" McArdle unfit. He dropped that assertion once the LNC changed its language to "the Libertarian National Committee censures.." and "the Libertarian National Committee expresses its opinion…"

[4] RONR uses officers in this context broadly to mean officers and directors.

I will further quote Jacobs in his article "Censure: Penalty Versus Motion" which appears in the *Parliamentary Journal* in April 2012. The PJ zealously guards its copyright so I will only cite some passages without attaching the full article: "… the motion to censure someone could be adopted without disciplinary action" and notes that an assembly (this time the LNC) could be facing bylaws that are "constructed in such a way that charges on the particular action are impossible." And by the nature of the same Bylaws, the JC cannot carve out a right that does not exist and void an LNC opinion, even if it strongly disagrees with the opinion (I have no idea if it does or does not). The most it can do is say that the LNC has expressed its opinion, nothing more, nothing less, which is all that they intended to do in the first place.

IV. The Claimed "Link" Between the Disciplinary Committee and the SIC Misrepresents the Record

Petitioner asserts that the LNC's own timeline establishes the Special Investigatory Committee as a mere continuation of the earlier Disciplinary Investigatory Committee. This interpretation is untenable. The original disciplinary committee was formed by email ballot on January 23, 2025, and explicitly discharged as moot on February 17, 2025, following Ms. McArdle's resignation on January 25, 2025. The LNC then created a separate Special Investigatory Committee on February 2, 2025, under RONR 50:10, tasked with examining broader issues of conflict of interest and business practices across the National Committee.

The distinction is not semantic. RONR §63 governs investigatory committees that anticipate formal charges and trial; RONR 50:10 governs ad hoc special committees that complete a defined task and dissolve upon reporting. The LNC's email ballots and minutes confirm the committees were treated as distinct. Petitioner's attempt to collapse the two bodies ignores this procedural reality and the explicit discharge language.

Petitioner insinuates that this was somehow done to disguise a disciplinary proceeding, but this makes no sense. The original motion clearly anticipated a trial, a trial that the LNC was fully prepared to conduct. Once McArdle tendered her resignation, the LNC recognized that it no longer had the authority to conduct a trial and continued with its fiduciary duty to provide answers at the lesser standard of a committee and a potential censure and legal proceedings.[5]

[5] While RONR anticipates that an authorized body can refuse to accept a resignation tendered to avoid a trial, it appears that DC law § 29-406.43 may supersede requiring that a resignation is effective upon receipt or at a later date if specified in the resignation.

V. The LNC's Actions Constituted Permissible Investigation and Expression of Opinion, Not Discipline

At the core of this appeal is a straightforward proposition: the LNC is authorized to investigate matters within its purview and to adopt resolutions stating its findings and opinions. After Ms. McArdle's resignation, the National Committee received the SIC report and adopted resolutions expressing its view that her conduct fell below expected standards and that she was unfit for future leadership roles. These statements imposed no suspension, expulsion, or other sanction authorized by the Bylaws or RONR. No member rights were revoked which would require a disciplinary process (RONR 1:4 and 61:1).

RONR 61:2, footnote 1 expressly provides that a motion of censure may be adopted without formal disciplinary procedures. The resolutions at issue fall squarely within this category. The adoption of a report does nothing without the resolution but merely adopt the opinion of the report as the opinion of the LNC without any teeth. Petitioners' repeated characterization of the actions as "disciplinary in substance" relies on imprecise and expansive phrasing—"de facto penalties," "functional disqualification," "repackaged discipline," and "coercive directives"—that is just rhetorical flourish and nothing more.

Petitioner further (pretty blatantly) mischaracterizes the LNC Response to manufacture a concession. In Section VII of the Reply, Campbell asserts that the LNC "admits uncertainty regarding what protections apply [to members]" and quotes a truncated fragment: "it is unclear whether a general member of the party would be entitled to the same member rights…" This is a misleading presentation of the record. The full LNC statement, in context, reads: "Based on the argument provided by the petitioner it is unclear whether a general member of the party would be entitled to the same member rights and disciplinary procedures as National Committee members." The LNC was not conceding any ambiguity in the Party's rules; it was demonstrating the vagueness and impracticality of the Petitioner's own "disciplinary in substance" framework. Campbell's selective quotation distorts the LNC's criticism into an admission. The LNC offered no such concession.

Additionally, the cited precedents do not control. In Phillies v. LNC (2024), the subject remained a sitting National Committee member facing removal proceedings, and it was found that the adopted charges do not meet the Policy Manual required threshold of "gross misconduct" and thus were void *ab initio*, as if they never existed. In Harlos (2024), the dispute (at least in part, the opinion record is varied) involved an attempt to suspend a current officer without valid charges because said charges were previously voided in the Phillies matter. The

LNC attempted charges because they were required. They didn't fall to proffer them; they were void.

Here, the McArdle had already resigned; the LNC was simply recording its conclusions about past events and issuing a non-disciplinary censure. It had no requirement to proffer charges, and in fact, could not due to the authority being vested in the membership. The factual and procedural contexts are materially different.

VI. Petitioner's Theory would Hobble the LNC in its Duties

If the JC buys the Petitioner's amorphous "disciplinary in substance" standard, the LNC would be effectively frozen in place in the face of its disapproval of conduct by anyone other than an LNC member. Under that theory, any resolution that names a person and recites facts the LNC finds troubling automatically becomes discipline requiring a formal trial. This is a perfect Kafka trap. The LNC has no authority to impose formal discipline on any Party members. That power belongs exclusively to the National Convention under the Bylaws. The LNC can investigate, it can form committees, it can receive and adopt reports, and it can express its opinions. It cannot suspend, expel, or strip membership rights from anyone. So, if every opinion or finding is treated as discipline, the only logical outcome is that the LNC must stay completely silent whenever wrongdoing is alleged. The Petitioner's theory would strip away the rights the LNC does have in violation of our governing rules. The LNC would have to let its opinions about serious misconduct by members, candidates, or affiliate leaders go by without a peep. The Petitioner is asking you to take away freedom of speech rights from the elected leaders of our Party that have not been restricted by our own rules. If the delegates do not like how the LNC exercised those rights, they have their own remedies, including the election of other candidates, but that is their prerogative, outside the scope of this body.

This is not abstract. The LNC has a fiduciary duty to protect the Party's reputation, finances, and integrity. When it sees financial irregularities, conflicts of interest, or actions that harm the Party, it has an obligation to investigate and speak. Petitioners' framework creates an impossible bind. Investigate and get caught in an impossible Catch-22. Stay silent and you betray your duty to the membership. Either way the LNC loses, and the Party loses honest accountability.

In the past the LNC has done exactly what Petitioner now claims is forbidden. It published a detailed negative report on former Chair Joe Bishop-Henchman after he deleted his official chair emails in the wake of a scandal potentially concealing co-conspirator(s). It also censured Nevada Assemblyman John Moore, a sitting

Libertarian officeholder and Party member, after he cast the deciding vote to fund a public arena the LNC viewed as a misuse of public funds, and the LNC requested the return of its candidate support donation. In both cases the LNC named individuals, recited or published opinions of misconduct which expressed strong opinions without formal charges or trials. No one at the time argued those actions were "disciplinary in substance" requiring due process because they were not. It is correct that in the case of Bishop-Henchman no resolutions were adopted, but the report was published by the Party which would be "disciplinary in substance" under Petitioner's "reputational harm" theory.

Of course, in these situations, as now, the LNC would also have to assess the risk of any potential defamation liability within the bounds of anti-SLAPP laws which may protect them, but that is their job as the elected governing body. It does not trigger a requirement for an bylaws-impermissible trial nor a gag order, and it is not the JC's job to decide those risks. As has been said in the past, the JC is a review body. It is not a second LNC. The JC should reject any rule that forces the LNC into silence when the Bylaws do not.

VII. A Word on "Functional Disqualification" and "Coercive Directives"

I speak on this at more length in my postscript but these are two phrases that seem to have one goal: a pretense at meaning…. something. What they are intended to mean is never explained. There has been no disqualification of anyone, functional or otherwise. The LNC has expressed an opinion on McArdle's fitness. No one is bound by that individually, not even the individual LNC members who voted for it. She can be elected to office, the LNC opinion notwithstanding. Where, pray tell, is the disqualification? Perhaps some may think the LNC abused a position of privilege to amplify an opinion, but that is a matter of opinion, not Bylaws. A similar example can be made when McArdle, as Chair, publicly attacked a prospective Party candidate for President, the Tiger King, causing him to withdraw from candidacy, at least in part. That might have been an abuse of privilege, but it would not have been a matter for the JC. It also would not have met the standard of gross malfeasance for a removal motion, but the LNC certainly could have censured her without disciplinary procedures.

Even more hyperbolic, what in the world does "coercive directives" even mean? It appears to be referring to a recommendation of the SIC to instruct persons not to speak with McArdle, a recommendation that the LNC declined to resolve. The LNC recognized that was the SIC's recommendation and did not act upon it as the LNC. I, in fact, spoke against it. The JC has no authority over things that the LNC might have adopted but did not.

VIII. Conclusion

The Libertarian National Committee was entitled to form a Committee; receive and adopt its report; and pass resolutions expressing its opinions about former Chair Angela McArdle. She does have a right that none of her membership rights be forfeited, and in this case, they were not-and in fact could not. The LNC has no power to discipline members. Her membership rights are no more violated by the LNC giving its opinion on her fitness for office than a current LNC member continually accusing other LNC members of being secret communists (see this one for an unhinged doozy: https://groups.google.com/g/lnc-public/c/RTsF4420tXA/m/0dyWEq1AAwAJ. It might not be nice; the JC might not like it; but that is not what these proceedings are for. The Petitioner is in essence trying to have the JC decree that the LNC cannot have any opinion or do any investigation that would result in a negative opinion about a Party member or their actions, despite the prior publishing of a report about prior Chair Joe Bishop-Henchman or the censure of publicly elected Party member John Moore (for being the deciding vote in what the LNC believed was mis-use of public funds for a stadium and asking for the candidate support money that was given to him to be returned).

If she had remained an officer she would have been entitled to a formal trial. She resigned instead. While she may have believed the LNC would simply drop the matter once she was no longer in office, the LNC had no obligation to do so. It simply could not impose enforceable disciplinary sanctions. These actions did not constitute disciplinary sanctions within the meaning of the Bylaws, Policy Manual, or RONR, which only apply to seated LNC members. The LNC later addressed the initial notice concern by re-adopting the resolutions with full disclosure and clearer language that left no doubt the statements were the LNC's opinion of her conduct.

To the extent Ms. McArdle believes she has been aggrieved by the LNC's statements, her recourse lies outside the JC. The JC's authority is limited to interpreting and enforcing the Party's internal governing documents. It does not extend to adjudicating reputational or civil claims that belong in the courts not the JC.

I respectfully request that the JC deny the petition in its entirety and uphold the LNC's actions.

Caryn Ann Harlos, Lifetime Member

Postscript 1: The Petition and Response to the LNC Exhibit Clear Indicators of AI Generation

JC filings actually written by people who have skin in the game usually show a real voice and authenticity. The Petition and the Response to the LNC have none of that. Instead, they contain highly structured, repetitive phrasing such as the soul-suckingly vacuous "disciplinary in substance," "functional disqualification," and "coercive directives," along with perfectly parallel bullet points and formulaic transitions that cause flashbacks to the worst corporate buzz-speak. That pattern is a classic sign of AI drafting rather than original advocacy from someone who actually cares enough about the outcome to put their own creativity into it. The JC should judge the arguments on their actual merits, not on the surface-level appearance of polished legal craftsmanship that the text does not deliver. If we wanted to play a game of Battle by AI, none of us would even be necessary. *No domo arigato, Mr. Roboto.*