

ROOS V. LIBERTARIAN NATIONAL COMMITTEE

Adoption of Special Investigatory Report and Other Resolutions Adopted at June 9, 2025 Special Meeting

AMICUS OF CARYN ANN HARLOS

Date: October 2, 2025

The entirety of Bylaw Article 3 upon which the Appellant relies to make his point is this:

ARTICLE 3: STATEMENT OF PRINCIPLES AND PLATFORM

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a regular convention.
2. The Party platform shall include, but not be limited to, the Statement of Principles and the implementation of those principles in the form of planks.
3. The current platform shall serve as the basis of all future platforms. The existing platform may be amended only at regular conventions. A platform plank may be deleted by majority vote. New planks or amendments to existing planks require a 2/3 vote.

It is apparent that Section 3 is not sufficient grounds to satisfy Bylaws Article 7.12 granting the right for Judicial Committee review by a potential appellant who must cite that an LNC decision “contravenes specified sections of the bylaws.”

Section 1 of Article 3 deals with the amendment of the Statement of Principles and leads with the reasons why such a high threshold and quorum requirement are required. The only conceivable way that Bylaw could be breached in a way that would grant the Judicial Committee any authority is if the LNC asserted a different founding or sustaining philosophy for the Party, such as the Communist Manifesto. Article 3, Section 2 then states where the Statement of Principles *will be placed*. In the Platform. Not in the Bylaws.

The Judicial Committee has been granted review in only two clear places for which a violation of the Statement of Principles is sole grounds for appeal: that is under Convention Rule 5, Section 7 and Convention Rule 6, Section 2. There are three other arguable places where the Judicial Committee may have been given that authority, and that is Bylaws Article 2 (in the lead-in sentence to judge the rest) and Bylaws Article 5, Sections 2 and 4. Any other examples of past Judicial Committees using the Statement of Principles have been in references to these

sections or as a supplement interpretative background ideology for their rationale in appeals presented that focus on violations of other sections.^{1 2}

Many Libertarians lob around the Statement of Principles often without having apprehended it in context. It is not written as a personal moral code, though it certainly should be something Libertarians personally embrace as part of our end goal. It cannot be a final moral code for today as it sidesteps the issues of the existence of the state (government). It is written as the ideological touchstone of a political party in its formulations of political policies regarding the government (if it should exist).

It is instructive to re-state it here (emphasis added to the part containing the language that was allegedly violated):

We, the members of the Libertarian Party, challenge the cult of the omnipotent state and defend the rights of the individual. We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

Governments throughout history have regularly operated on the opposite principle, that the State has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual: namely, (1) the right to life — accordingly we support the prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action — accordingly we oppose all

¹ In the citation by Jonathan Jacobs citing the 2024 *Harlos v. LNC* decision regarding the RJK, Jr. JFA he failed to appreciate the long Libertarian interpretative background. In citing “fraud” against the members, it was inherently in the context of “property” which would be second nature (not to mention platform canon) to longtime Libertarian Party members, unlike those who to some seem to have just joined not to perform activism but to solely insert themselves into complex parliamentary battles and make outrageous comparisons to a Penn State pedophilia scandal. Since the members have a contract (*i.e.*, the Bylaws with the LNC; the assertion was deprivation of those contractual rights. There is no contract here. Ms. McArdle resigned her chairmanship, and the LNC is not depriving anyone of contractual rights by examining her conduct and rendering an opinion. This might have been different had she not resigned. Further, that cited case involved Bylaws Article 2 in which the Judicial Committee is given explicit permission in the introductory sentence to that Article to apply the Statement of Principles as it applies to the LNC’s advocacy of public policy.

² Any reference to the Statement of Principles in reviews of disaffiliations or suspensions of LNC members would follow the same rationale as the footnote above. It would be used as an interpretive and expansive ideological grid to determine justness of “cause” under automatic appeal rights that exist due to other Bylaws. Ms. McArdle resigned, this was not a disciplinary action against an officer and the *de facto* censure was not a disciplinary censure.

attempts by government to abridge the freedom of speech and press, as well as government censorship in any form; and **(3) the right to property — accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.**

Since governments, when instituted, must not violate individual rights, we oppose all interference by governments in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

The only part that even remotely applies to individual actions is the first paragraph which was not alleged to have been violated here, nor could it have been in any way that would be under the authority of the Judicial Committee. It was not alleged, nor could be alleged, that the LNC has, within the set ideology of the Party, “forcibly interfere[d] with the equal right of others [Angela McArdle] to live in whatever manner they choose [she chooses].” The only remote possibility here is if Roos is arguing that alleged defamation is something that can be ruled upon by the Judicial Committee. The problems here are obvious. The Libertarian Party platform, and the Statement of Principles itself is at best silent on the issue (and one can argue takes a position against defamation law). Libertarians are hotly divided on this issue as they are with the idea of intellectual property in general. Until this is settled specifically in the platform, the Judicial Committee cannot make such an ideological declaration as that is the province of the delegates assembled in convention. Even if this were settled in the platform, the Judicial Committee has no authority to enforce the platform *qua* platform.³

The alleged violation occurs in the bolded section which is yanked out of context. That section states that the Party opposes misrepresentation... in connection with **the right to property and laws made by the government**. No property was alleged to have been harmed here. And the platform does in fact define property (Platform Plank 2.1 authored by Judicial Committee member Stephen Kinsella). No LNC support for laws that would interfere with property **by the government** is alleged here. The only way the LNC could violate that specified portion of the Statement of Principles would be to support laws that permitted misrepresentation that led to deprivation of/harm against property. That’s it. While Libertarians are free to draw life-changing and profound personal principles out of the Statement of Principles, that is not its scope in our platform. *That whole paragraph deals with the government and the Party’s positions concerning*

³ Even co-belligerent Jonathan Jacobs admitted this was the right of the LNC (at least as far as the Judicial Committee was concerned) in the prior appeal attempting to void the resolutions of the Special Investigatory Committee report: “A main motion may not be ruled out of order on the ground that it creates legal liability for the organization. Should the LNC adopt a motion that is libelous, they would still face liability for that; that fact that the rules permit it does not immunize the LNC. For the very specific grounds that a main motion may be ruled out of order, see RONR 10:26.” (<https://mywikis-wiki-media.s3.us-central-1.amazonaws.com/lpedia/Appeal-resolutions-adopted-june-9-2025-special-meeting-jacobs-vs-LNC-2025-07-21.pdf>, footnote 17)

its role. If misrepresentation were to be considered in the way the Appellant has argued, ironically, he would be in gross violation of the Statement of Principles in his false argument for the applicability of the Statement of Principles in his appeal.

It is also unfathomable that both the Appellant and Jonathan Jacobs go so far as to say that the Statement of Principles also forecloses “mistakes” that may inadvertently be misrepresentations. Laying aside all the arguments above, just consider that for a moment. If one were to believe that assertion, any wise husband who answered negatively to the question “Does this dress make me look fat?” by his loving wife when the dress did indeed make her look fat would have “violated” the Statement of Principles. Hint gentleman, the correct answer is no. You’re welcome.

The Appellant tries to hurl a lot of elephants in deflection of the above, and there are two additional issues I wish to address; that of the marginal notes inadvertently carried over into the meeting minutes, and the Appellant’s production of a message between Ms. McArdle and Meredith Hays where Ms. Hays promises a “quasi-attorney client privilege” to Ms. McArdle⁴ in the context of “protecting her.” That is indeed troubling, but that is an issue between Ms. McArdle and Ms. Hays. It is obvious Ms. Hays had no hand in authoring the SIC report or there would have been no reason for her to suggest changes in perfecting the resolutions—that alone make it obvious these marginal comments were made after the report was produced without her or it would have already contained her advice. She also did not vote on the adoption of the report both times it was before the LNC. I agree that the messages between Ms. Hays and Ms. McArdle were deeply inappropriate, and I have stated multiple times she should have resigned or been asked to do so. I also believe it is a reasonable opinion that Ms. McArdle could have legal or professional grounds against her, but that is outside any scope of this appeal as Ms. Hays neither wrote the report nor voted to adopt it. The potential breach of duty to the LNC by Ms. Hays does not excuse the clear breach of duty and misconduct of Ms. McArdle; it may be just another matter that the LNC should investigate.

The marginal notes, to the best of my recollection, came from a separate workshopping document that was started by several LNC members after the SIC report came out that were copied when the text was pasted into the minutes.⁵ It proves the opposite of what Appellant is claiming. I no longer have that separate document as it is property of the Party, and I did not personally retain a copy.

⁴ I have no idea what that even ultimately means, but Ms. McArdle either truthfully or opportunistically made it clear what she is holding it to mean as she accused Ms. Hays of a Bar rules violation. The appearance and the possibility of it being taken to imply some sort of secrecy privilege to protect Ms. McArdle is what makes it, in my opinion, a breach of duty to the LNC.

⁵ Word has an annoying habit of turning hidden text back on when converting to PDF. When I copied that language into the minutes it imported all the comments with it. It was entirely my human error not to double-check the final PDF. There is no grand plot, just an annoying error between my computer’s “print to pdf,” the behaviour of Word, and my admitted failure to not preview the final document in my haste to get the minutes finalized and off my plate. I expect Mr. Darr could produce the workshopping document or it could be found in the archival Secretary emails.